

INDIA
AND THE
UNITED NATIONS



NATIONAL STUDIES
ON INTERNATIONAL
ORGANIZATION

341.1. I39i 58-07416
Indian Council of World Affairs
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NATIONAL STUDIES ON INTERNATIONAL ORGANIZATION

INDIA AND THE UNITED NATIONS

Report of a Study Group
set up by
The Indian Council of World Affairs

Prepared for the
CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Manhattan Publishing Company
New York
1957

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Preface

This volume forms part of a series of studies on international organization initiated by the Carnegie Endowment for International Peace and carried out by private institutions and individuals in more than twenty countries around the world. This particular study has been prepared by a special study group of the Indian Council of World Affairs.

The decision, taken in 1952, to initiate this program reflected both the Endowment's long-standing conviction that international organizations, such as the United Nations, are central to the quest for peace and the assumption that their significance and functioning depend first and foremost upon the attitudes and policies of nations. The fact that the question of Charter review would be on the agenda of the General Assembly in 1955 seemed to afford a unique opportunity for assessing the strengths and weaknesses of the United Nations in terms of national expectations and their fulfilment during the brief but rich testing period of the first ten years. In sponsoring this series of studies the Endowment has sought to encourage an exchange of unofficial national views, with the object of stimulating a closer examination of the past record and future potentialities of the United Nations and of increasing understanding of differences and similarities in national attitudes toward the Organization.

In the pursuit of these objectives, the participants in each country were asked to appraise their national experience in international organizations, especially in the United Nations. In doing so they have considered such questions as: What impact has the United Nations had on both the content and the conduct of national

policy? To what extent have the purposes and principles set out in the Charter served as adequate guides to the organs of the United Nations in their operations? Have developments in the practices and the procedures of the United Nations made the Organization more or less effective as an agency to achieve the purposes for which it was established? What is, and should be, the relationship of the United Nations to other forms of international organization, including regional systems? Does experience suggest the need for formal revision of the Charter?

These studies have been undertaken on the initiative of the Carnegie Endowment for International Peace. However, they have been carried out independently of that organization and the responsibility for the contents of the individual volumes, therefore, lies with the authors.

In exercising its responsibility for the decision to publish the volumes in this series, the Endowment has been assisted by an advisory review committee, comprising Dr. Alberto Lleras Camargo, former President of Colombia and former Secretary General of the Organization of American States; Sir Ramaswami Mudaliar, Vice-Chancellor of Travancore University, India; and Dr. Bernard H. M. Vlekke, Secretary-General of the Netherlands Institute of International Affairs. Their faithful and wise counsel is most gratefully acknowledged.

The conclusions of the individual studies will be summarized and their significance analyzed in two final volumes prepared independently by Robert MacIver, Lieber Professor Emeritus of Political Philosophy and Sociology at Columbia University; and Maurice Bourquin, Professor of International Public Law at the University of Geneva.

No prefatory note which did not exceed its proper dimensions could possibly acknowledge all the debts which the Endowment owes to scholars and officials in many parts of the world for the help which they have graciously given. To the officers of the Indian Council of World Affairs and the members of the Study Group,

and especially to Dr. Appadorai and Mr. Karunakaran, particular thanks are due for their co-operation in making the present volume possible. The Endowment wishes to record its deep appreciation not only for the scholarship and thought which are reflected in the following pages but also for the patience and unfailing courtesy they have shown in this venture in co-operation over several years.

The Endowment wishes to express its gratitude to the Ford Foundation for providing a grant which, by supplementing funds supplied by the Endowment and the co-operating institutions themselves, made it possible to carry out the project on a broad and comprehensive basis.

January 1957

JOSEPH E. JOHNSON

President

Carnegie Endowment for International Peace

Foreword

This study of India's attitude to the United Nations was suggested to the Indian Council of World Affairs by the Carnegie Endowment for International Peace in the latter half of 1952 as part of the Endowment's plan for the study of the national attitudes of a number of countries toward the United Nations. The Council accepted the suggestion and undertook to prepare a study on India and the United Nations which was completed in August 1954.

To carry out this project, a Study Group with the following members was constituted:

Mr. M. C. Setalvad	Attorney General of India
Prof. D. R. Gadgil	Director, Gokhale Institute of Politics and Economics, Poona
Prof. Mohammed Habib	Head of the Department of History and Politics, Aligarh University
Prof. V. K. N. Menon	Director, Indian Institute of Public Administration, New Delhi
Mr. Frank Moraes	Editor, <i>Times of India</i>
Prof. P. S. Narayan Prasad	Economic Adviser to the Reserve Bank of India, Bombay
Mr. S. L. Poplai	Secretary-General, Indian Council of World Affairs, New Delhi
Mr. B. Shiva Rao	Member of the Indian Parliament
Dr. V. K. R. V. Rao	Director, Delhi School of Economics
Mr. K. Zacharia	Head of the Historical Research Section of the Government of India
Dr. A. Appadorai	Director, Indian School of Inter- national Studies, New Delhi.

Because of ill health, Mr. B. Shiva Rao was unable to take part in the work of the Group; Mr. Frank Moraes could not participate due to pressure of work. The late Mr. P. N. Murthy, Registrar of the Supreme Court, was later invited to join the Group. When Mr. Narayan Prasad left India for an assignment in the United States in October 1953, Mr. K. N. R. Ramanujam, Deputy Director (Balance of Payments) Reserve Bank of India, joined the Group. The Study Group also had the valuable assistance of two consultants.

Mr. K. P. Karunakaran was appointed Research Scholar in connection with the project.

At the first meeting of the Study Group it was decided that the study should, as far as possible, comprise an analysis of the following:

1. The Indian government's attitude toward the various provisions of the United Nations Charter and its policy toward the United Nations in general;
2. Public opinion as reflected in the press and the documents of the various political parties; and
3. The views of the members of the Study Group.

The purpose of this study is to focus attention on Indian attitudes toward the basic questions connected with international organizations, particularly in the light of the experience India has gained through participation in the United Nations. An attempt is also made to explain India's views on the provisions of the Charter in order to elucidate India's support for or opposition to their amendment.

The study does not deal at length with the details of India's relations with other countries or with the role India has played with regard to various matters considered by the United Nations. The reader who is interested in these subjects is invited to consult *India in World Affairs 1947-1950*¹ and *India in World Affairs*

¹ K. P. Karunakaran, *India in World Affairs August 1947-January 1950* (London: Oxford University Press, 1952).

1950-1953.² Both these volumes were written by Mr. K. P. Karunakaran for the Indian Council of World Affairs.

The general procedure followed in the preparation of this report was as follows:

The Research Scholar prepared discussion papers on various topics on the basis of documents and special surveys of public opinion carried out for the purpose in the different linguistic areas of the country. The discussion papers not only gave the background of the subject and India's official and non-official attitude thereon but also raised issues for consideration by the members of the Group. On the basis of the discussion at the meetings of the Study Group, draft chapters were prepared and circulated to the members of the Group and their comments were incorporated in the final report.

It should be added that Mr. K. N. R. Ramanujam prepared the discussion paper and first draft of the chapter on economic and financial questions, which was subsequently revised and brought up-to-date by Dr. Subimal Mookerjee.

The Council should like to place on record its gratitude to the members of the Study Group for their valuable co-operation in this work and also wishes to thank Prof. R. Bhaskaran (Madras), Prof. S. V. Kogekar (Poona), and Prof. D. N. Banerjee (Calcutta) for arranging surveys of public opinion in their respective areas for the use of the Group; and Miss Ambika N. Joshi for assisting Mr. Karunakaran in his work.

New Delhi, November 1956

A. APPADORAI

Director

Indian School of International Studies

² K. P. Karunakaran, *India in World Affairs 1950-1953* (London: Oxford University Press, in course of publication).

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Development of the Indian Attitude on International Organization

It is very often claimed by India's leaders that the foreign policy India has followed since gaining independence is an outgrowth of the past way of thinking of the people of the country and the past declarations of their leaders. This is no doubt true. The attitude of the present Indian government toward the United Nations is to a great extent influenced by what the Indian people thought about the League of Nations, and a study of this background of Indian public opinion on international organization will, therefore, help the proper understanding of India's present attitude.

Now a question arises: which organization is the true representative of Indian opinion in this period? The Indian National Congress (Congress party), the organization of the national movement for freedom, very often led, and always reflected, Indian public opinion on world issues. There were, of course, a few individuals and groups who differed from the Congress party leaders on foreign

as well as domestic issues; but the influence of these groups, except for the Muslim League, was not considerable. The role of the Muslim League is not very important from the standpoint of this study because the present government and leaders of India have not inherited its approach toward world problems. Moreover, the Muslim League rarely passed a resolution, and its leaders rarely spoke, on international issues except in regard to the Muslims of the Middle East. Their opinions moulded the thinking of the leaders of Pakistan, not of India.

The leaders of the present Socialist and Praja parties were members of the Congress before 1947. The Communists were not a very influential group in India during the twenties and thirties. Some among them worked inside the Congress. Only after the entry of the Soviet Union into the Second World War did the Communists clearly emerge as a political entity whose reaction to events outside India was sharply different from that of the Congress party. And that reaction was nothing but unqualified agreement with the Soviet point of view.

The opinions of the leaders of the Indian National Congress and the framers of the resolutions accepted by that party did not as a rule take crystallized shape in regard to the role of international organization in various fields. Very often they were satisfied with expressing their general sentiment, on vital issues that affected relations between different states. Sometimes they laid down general principles in this regard. However, although the Indian leaders were not at that time members of a government concerned with the actual implementation of a policy, in no sense did they make irresponsible statements or fail to take into consideration the practicability of the measures they advocated in the international field.

Their attitude toward world problems was influenced in general by their understanding of historical forces and particularly the relationship between events outside India and the struggle for freedom inside the country. In specific terms one can say that the

Indian leaders never failed to note the significance of the October Revolution of 1917 and the rise of fascism and nazism in the interwar period; they were also aware of the impact on India of political developments in Japan, China, Southeast Asia, the Middle East, Turkey, and Egypt.

The keen interest that the Congress party took in international affairs can also be explained by another factor; at least by the nineteen thirties the Congress leaders were thinking of themselves as the representatives of the future government of a "free" India. In a pamphlet entitled *India's Foreign Policy*, published by the Congress party in 1938, the following significant sentence occurs: "Obviously, both as a movement and as the controlling force behind the future Indian State, the Congress cannot accept the sanctity of present international treaties."¹

As writers of articles on international affairs in various journals did not share this feeling of the Congress leaders, their writings do not show the same sense of responsibility. But to some extent they also represented Indian public opinion of that period and as such they deserve notice.

ATTITUDES TOWARD THE LEAGUE OF NATIONS, 1920-33

The dominant elements in Indian political life did not have a consistent attitude toward the League of Nations throughout the period of its working. In the early stages they had no confidence in it; indeed many were very sceptical. This attitude, which was most popular in the twenties, persisted in the minds of many people in the early thirties. However, toward the end of the twenties, a few began to take keen interest in the League of Nations and recognized the successful work of some international bodies in labor and social matters.

¹ Rammanohar Lohia, *India's Foreign Policy* (Allahabad: All India Congress Committee, 1938), p. 12.

These opinions gathered greater strength in the thirties. After the Japanese invasion of Manchuria and the rise of fascism and nazism in Europe there was an increasing demand that the League must be made an effective organization to check aggression. At the same time there was much suspicion of the Western European powers which dominated the international bodies and an unwillingness to participate in any collective action taken under their leadership.

The League and the Status Quo: From the time the League of Nations was established, a lack of confidence in, though not opposition to, it was evident in India. One of the factors that came under severe criticism was the manner in which India was represented in the League. India's official representatives in the League and in other international organizations before 1946 were nominated by the British government or, with the approval of the British government, by the British Viceroy in India. Although they took an independent stand on many minor matters, on vital issues of international policy these "Indian" delegates did not reflect India's views as much as those of the British government. Occasionally they even went against the spirit of the predominant opinion in India.²

A typical comment on the issue of India's representation in the League was:

India may be an original member of the League of Nations, but all the world knows that this means an additional voice and vote for the British Foreign Office. The people of India have no say in the matter and their so-called representatives are nominated by the British Government. And so, inevitably the subject country concentrates on achieving national independence before it can think of playing an effective part in international affairs.³

² It is for these reasons that an analysis of the positions taken by the Indian delegates to the League has been excluded from this study.

³ *India's Foreign Policy, op. cit.*, p. 3.

In this connection it is worthy of note that one of the reports of the Indian delegation to the League spoke of its position as one of subordinate co-operation with the British delegation.

Apart from this specific matter of India's representation, the general concept underlying the organization of the League was also unacceptable to India at that time. As the "force behind the national movement for freedom," the Congress party questioned many aspects of the established order. Their opposition to the *status quo* in India logically led the Indian leaders to oppose the *status quo* in international affairs. Thus, they condemned the unequal treaties between China on the one hand and the Western powers and Japan on the other as thoroughly as they condemned the relationship between India and Great Britain. It was felt that the League, being a league of governments, "has been dominated by the great powers and has . . . tried to maintain the *status quo*"⁴ in the international field. Although the manner in which India was represented in the League was a source of considerable dissatisfaction, it was this basic approach of the League that was responsible for India's lack of confidence in the organization.

Many in India pointed up the contrast between India's attitude in this respect and that of the Western powers. In 1933, Pandit Nehru gave the following analysis of the situation:

. . . there can be no doubt that the League has been a tool in the hands of the great Powers. Its very basic function is the maintenance of the *status quo*—that is, the existing order. It talks of justice and honour between nations, but it does not enquire whether the existing relationships are based on justice and honour . . . The dependencies of an imperialist Power are domestic matters for it. So that, as far as the League is concerned, it looks forward to a perpetual dominance by these Powers over their empires.⁵

⁴ *Ibid.*, p. 11.

⁵ Jawaharlal Nehru, *Glimpses of World History* (New York: John Day, 1942), p. 683.

The same opinion was held by many other people in India. The *Modern Review*, an Indian monthly journal of great reputation, commented in 1927 that the Articles of the Covenant of the League of Nations nowhere said that the League would undertake to liberate the subject peoples or raise their political status. Noting that the majority of the people of Asia and Africa were dominated by European peoples, the journal stated that the former wanted to be relieved of the "white man's yoke" but "Article 10 of the Covenant of the League of Nations declares in effect that they must not aspire to be free. That is what the preservation of the *status quo* amounts to."⁶

Mandates—a New Form of Colonialism: Not only was the lack of provision in the Covenant for the revision of the *status quo* of the dependent territories unpopular, but the provisions concerning the mandated territories were also considered harmful to the interests of the people of those territories. Many saw in the mandate system the germs of a new type of colonialism. One comment was as follows:

. . . fresh territories, taken from Germany and Turkey, were awarded to the Allied Powers under the name of the "mandates". This word is typical of the League of Nations, as it signifies the continuation of the old imperialist exploitation under a pleasant name. These mandates were supposed to be awarded in accordance with the wishes of the people of the mandated territory. Many of these unhappy people even rebelled against them, and carried on a bloody fight for long periods till they were bombed and shelled into submission.⁷

A leading newspaper stated:

The League's Mandates can be otherwise described as the control of the European Powers over the weaker nationalities in Asia and Africa and from our experience of such

⁶ *Modern Review* (March 1927), p. 380.

⁷ Nehru, *Glimpses of World History*, *op. cit.*, p. 683.

control in Egypt, India and elsewhere it can only be said that incessant strife, racial bitterness and intrigues . . . are the almost inevitable concomitants of the League of Nations.⁸

The same newspaper later complained against the manner in which the League's mandates were carried out. It pointed out that the mandate for Tanganyika imposed an obligation on Britain to maintain equality of treatment for the nationals of all the member states of the League. Stating that, although India was an original member of the League, British nationals in the territory were given preferential treatment over Indians, the leading article commented: "The truth is, mandate is another name for usurpation."⁹

The work of the Permanent Mandates Commission was also vigorously criticized in the Indian press. The inability of the Commission to make effective recommendations regarding the welfare of the people in the mandated territories was noted with great concern. The view was very often expressed that, unless the Commission was freed from the dominating influence of the mandatory powers, nothing important could be achieved by it.

It may be noted that this Indian view on the mandate system was in glaring contrast with the Western position on this matter. In this period both the governments and the academic scholars of the Western countries gave great publicity to the opinion that the mandate system was a definite step forward in the trend toward increased international responsibility for the dependent territories.

Another ground for objection was the lack of association of the dependent peoples with the work of the League. Although it was regrettable that the Indian delegates were not representatives of the people of India, it was still more regrettable that other countries which were not free could not send any delegates to the meetings of the League's main organs.

A League of "White Nations only": The conclusion that the League was dominated by imperialist powers was reached by a

⁸ *Amrita Bazaar Patrika* (Calcutta), 23 June 1921.

⁹ *Ibid.*, 16 June 1922.

vast number of people when the League did not boldly tackle the issues connected with the military and other measures taken by Spain and France against the Riffs in Morocco and by Britain against the Sudanese.

The fact that the League took prompt action on the Greco-Bulgarian dispute was considered as evidence that it was mainly concerned with maintaining peace among the white nations. "Whites must not fight Whites—this [it] is the business of the League to see." As *Amrita Bazaar Patrika* wrote on 24 March 1927:

But the importance of the League is nowhere [more] marked than when Asiatic nations have appealed for protection against white imperialism. The bombardment of defenceless Nanking by British and American warships has not been challenged by the League.

Others also contended that the outlook of the League of Nations was European. The *Modern Review* wrote: "The outlook of the League is essentially European. All the efforts which it has hitherto made to prevent war have been made to maintain peace among European nations." The journal stated that it was hardly surprising that the League had in no way interfered to prevent the war in Syria or put a stop to "recent" British aggression in China for "the sufferers there were Asiatics and not Europeans."¹⁰

Although the question of racial discrimination in different parts of the world attracted much official and non-official attention, there was no popular demand that the international organization take action in this field. The generally accepted view in India was that, insofar as important matters were concerned, the League was incapable of taking any effective action. Occasionally the comments about the League reached the level of not only scepticism but also sarcasm.

Disarmament Proposals: The same trend was evident in regard to the discussions on other major developments in the international

¹⁰ *Modern Review* (February 1927), p. 255.

field. For instance, it was held that the Kellogg-Briand Pact of 1928 would fail to achieve its objective of eliminating the cause of war, because, at the same time that the representatives of the big powers were discussing the prospect of peace at Paris, their governments were engaged in increasing their armaments and thereby intensifying the possibilities of a new war. It was pointed out that pacts were useless without a real change of heart and that there was no evidence of such a change among the powers that had signed the agreement.

Some newspapers featured the news about the Washington Conference of 1921-22 only as an attempt by some Western powers to reduce the naval power of Japan. It was contended that the same maneuver to maintain the superiority of Britain, France, and the United States was apparent in the Preparatory Commission for the Disarmament Conference which worked for five years—from May 1926 to December 1930. The differences that arose within the Commission on issues of personnel, armaments, expenditure, and naval limitations were, according to an important section of the Indian press, inevitable in the atmosphere of rivalry among the great powers. The movement of Germany in the direction of rearmament was described as partly the result of the reluctance of big nations to scale down their own forces.

The disarmament conferences were criticized for the fruitless nature of their discussions. Many expressed the view that the League had not taken a single step toward putting an end to armed conflict between nations. The question of political domination over India and other countries was also referred to during the discussion on the Disarmament Conference of 1932. One of the leading newspapers wrote:

The principle and procedure as adopted by the League in the realisation of its declared aim of international disarmament might indeed be regarded as a mere mask which it has put on to conceal from the broad masses of men in all countries the aggressive ends of the imperialist policy of certain powers.

Britain's role in the Disarmament Conference was especially attacked. When most other states represented at the Conference had almost accepted the complete abolition of aerial bombing, Britain added a proviso, which would have permitted such action "for police purposes in outlying areas." To many Indians this meant a free hand to bomb the people in the British empire and they vigorously criticized the proposal.

The broad question of India's attitude toward the *status quo* in the international field also moulded Indian thinking on the disarmament proposals. For instance, Pandit Nehru made the following comment about the Disarmament Conference of 1932:

The real difficulty before the Disarmament Conference has been that there are two classes of countries—the satisfied Powers and the unsatisfied Powers, the dominant Powers and those that are suppressed, the powers that want the present state of affairs to continue and those that want a change. Between the two there can be no stable equilibrium, just as there can be no stability between a dominant class and a suppressed class. The League of Nations represents on the whole the dominant Powers, and so it tries to maintain the *status quo*. Security pacts and attempts to define an "aggressor" nation are all meant to preserve existing conditions. . . .

Pacifists and others who want to prevent war welcome these security pacts, and thereby in a sense they help in the maintenance of an unjust *status quo*.¹¹

The popularity of all these views very often led to a demand that India withdraw from the League of Nations and some proposed that the League be liquidated. The Congress leaders looked to organizations other than the League for international co-operation. Although they realized that India must depend on its own resources and organization to solve its problems, they also knew that their task would be greatly facilitated if they ceased to view these problems as purely local.

¹¹ Nehru, *Glimpses of World History*, *op. cit.*, p. 925

Occasionally the establishment of a new organization was suggested. The President of the Indian National Congress told the annual session of that body in 1926:

The time has perhaps come for us to think of a Federation of the Asiatic peoples for their common welfare. So long as our neighbours were ruled by irresponsible autocrats, such an idea was clearly out of the question. Now that Angora [Turkey], Persia, China and Siberia are governed by democracies, a federation of Asiatic democracies will make for peace, prosperity and freedom of Asia and therefore come within the range of practical politics. Signs are not wanting to indicate that our neighbours take keen interest in us and we must reciprocate it. In order to promote better understanding and closer relations between India and other Asiatic countries, frequent interchange of visits by appropriate delegations should be arranged, as well as other steps taken. We have too long neglected the possibilities of a cultural and business union with all Asiatic countries.¹²

The following year, when the "League for Struggle against Imperialism and Oppression of Colonial Peoples" was formed in Brussels, the Congress party welcomed this development and decided to associate itself with this new organization.

Non-Political Functions of the League: Even in the nineteen twenties there was interest in some of the specific functions performed by the League in fields other than colonialism and the maintenance of international peace and security. There was some criticism of these other activities but it was generally of a constructive nature and never took the form of fundamental opposition to the work of the League in these fields.

There was some praise for what appeared to be the happy solution by the League of the problem of the European minorities, the achievements of the International Labour Organisation, the activities of the International Committee on Intellectual Co-operation, and

¹² *The Indian Quarterly Register* (Calcutta), Vol. II, Nos. III and IV (July-December 1926), p. 306.

the practical steps taken by the League to regulate the traffic in women and children. As a rule the activities of the League in the moral, intellectual, social, and financial fields were fairly well received in India.

In regard to the work of the International Labour Organisation, it was very often stated that the benefits derived were not commensurate with India's contribution. It was occasionally even alleged that some of the decisions regarding free trade and a minimum standard of living for workers were to some extent detrimental to India's welfare. It was argued, often with vehemence, that the proper representation of India's views at international meetings would be possible only if spokesmen of national interests, and not of British rulers, were sent to them. The fact that, in addition to government representatives, delegates representing employers and workers attended meetings held under the auspices of the International Labour Organisation was noted and appreciated.

In general, it was held that even if the League of Nations could not become an agent of action, it should exist as a moral force. The view was also expressed that, although the League had not made the world a better place to live in, the "conditions around us would have been worse but for the League."

THE INTERNATIONAL CRISIS, 1933-39

After 1933 there was a growing demand in India to make the League effective and strong against the forces of aggression in the international field. This was a step forward from the praise and support given to the League in the late twenties and thirties and was even further removed from the earlier attitude of fundamental opposition to the League's work in many fields. There were many reasons for this trend of Indian public opinion. The most important among them were the change of attitude of the national leaders and the significant developments in the international field. Although the national movement, led by the Congress party, was still agitating

for political freedom and even organizing disobedience of law in some spheres in the domestic field, the leadership of the movement had begun to think of itself as the controlling force behind the future government of "free" India. In this period one finds the Congress leaders thinking of domestic matters in terms of national planning, and on external matters they began to express opinions based on an understanding of the then existing power situation in the international field.

A correct understanding of the international situation demanded a realization of the importance of the rise of nazism and fascism in Europe. Even the political leaders of the East could not consider Western European imperialism as the only important menace to peace and freedom in the world. One of the Congress party's resolutions stated that Hitler and his creed were the very embodiment and intensification of the imperialism and racialism against which the party was struggling. In the East, Japan was extending the areas brought under imperialism by invading and occupying a part of China.

These developments led many Indians to draw a necessary distinction between the existing reach of imperialism and efforts to extend it. It was maintained that although both should be condemned, efforts to extend and expand imperialism further should be condemned and fought against even more severely. Against the view that the weakening of Germany or Italy would strengthen Britain or France, it was contended that the defeat of imperialist efforts toward expansion was never likely to benefit any of the imperialist powers but on the contrary would only strengthen those nations aspiring for national freedom and democracy.

Even this attitude did not, however, lead to a clear and straightforward demand for strengthening the League of Nations as an instrument of collective security. As the Secretary of the Foreign Affairs Department of the Congress party pointed out, there were only stray utterances by party leaders on this matter and occasionally the statements were inconsistent with one another. But he also

maintained that one of the seeming contradictions was more apparent than real. According to him the Congress party's condemnation and support of the League of Nations were inspired by similar motives. To quote his own words:

The motive behind our traditional condemnation of the League of Nations is that it has been and continues to be a League of governments. Being the League of governments, it has been dominated by the Great Powers and has, instead of reforming the world, tried to maintain the *status quo*. Another objection is that India has been represented at the League through the British Government and India's membership to the League is not that of the Indian people. The motive behind our support of the World Peace Congress [in its efforts to strengthen the League] is to utilize the contradiction between the declared ends of the League and the action of the great powers for purposes of building up a non-state democratic bloc of freedom and peace. There is also the aspiration that a reformed League of Nations might act as an instrument of world peace. It is possible to combine the two motives.¹³

However, in times of crisis it was not always possible to combine these two motives. The League did not transform itself in the way the Indian leaders wanted and the people of India, therefore, never unconditionally supported it. The Indian attitude toward the League was greatly influenced by the Indian view of the character and composition of the League and of the nature of the threat to international peace.

This attitude led to two trends of thought on international affairs: one was a vigorous demand for effective collective action against the forces of aggression in the international field and the other was a refusal to remain in the camp, and under the leadership, of the Western European powers, which alone at that time would have resisted the Nazi and Fascist forces. When it was realized that the League itself was incapable of taking effective action,

¹³ *India's Foreign Policy, op. cit.*, p. 12.

there were demands in India that some kind of international action should be taken against the aggressors. But again there was no enthusiasm to participate in any effort conducted under the leadership of the Western powers.

Attitude of the Congress Party: Two of the resolutions adopted by the plenary session of the Congress party in April 1936 were indicative of these two trends in the Indian political scene. One of them emphasized the right of the Indian people to refuse to participate in any war without their express permission. It also noted that the danger of a war had become more evident and urgent with the growth of the Fascist dictatorships, the Italian attack on Abyssinia, the continuing Japanese aggression in North China and Mongolia, and the rivalries and conflicts of the great imperialist powers. The resolution added: "The Congress therefore reiterates its old resolve and warns the people of the country against this danger, and declares its opposition to the participation of India in any imperialist war."¹⁴

The other resolution stated:

The Congress expresses the sympathy of the Indian nation for the Ethiopian people who are heroically defending their country against imperialist aggression, and considers Abyssinia's fight as part of the fight of all exploited nations for freedom. The Congress condemns the Great Powers and the League of Nations for their policy in regard to the Italo-Abyssinian War.¹⁵

The Congress took a similar stand regarding the Japanese aggression in China. It not only expressed sympathy with the Chinese people, but in February 1939 called upon the people of India to refrain from purchasing Japanese goods. The Congress leaders condemned in no uncertain terms the Italian and Japanese

¹⁴ *Indian National Congress 1934-36* (Allahabad: All India Congress Committee, 1936), p. 76.

¹⁵ *Ibid.*

governments for having invaded the territories of other nations and having destroyed their freedom.

In regard to the conflict in Spain, the Congress party also expressed definite views. In December 1936 it stated that the struggle between democratic forces and Fascist reaction in Spain was of great consequence to the future of India and the world. The Congress party resolutions stated that the policy of non-intervention followed by the British government was, in effect, aiding the followers of General Franco, who were openly backed by the Fascist powers.

The Congress party's concept of collective measures is also worth noting. Although their leaders stated that collective security must be backed by some kind of effective action against aggressors, they did not wholeheartedly approve the use of armed force.

The following extract from a foreword by Pandit Nehru to a Congress party pamphlet on foreign policy explains the position:

What must these sanctions be? Military sanctions may perhaps be necessary and inevitable on particular occasions, but they involve war and the remedy might be as bad as the disease. Economic sanctions may involve the risk, but not necessarily so. They are powerful and on the whole peaceful; though their effect might not be immediate, it is far-reaching. It is quite possible to control the aggressor by economic sanctions alone.¹⁶

Developing the same theme, the author of the pamphlet says elsewhere:

How far should the Congress go in the application of international sanctions against an aggressor? The League's sanctions include economic sanctions against the aggressor and, also, military assistance to the aggrieved nation. The Congress should have no difficulty in accepting the policy of economic sanctions against the aggressors. In fact the present resolution to boycott Japanese goods is an indication that it is prepared to apply economic sanctions against an aggressor nation.

¹⁶ *India's Foreign Policy, op. cit.*, p. 4.

It should therefore be able to cooperate whole-heartedly in any world scheme to cut off all economic relations with an aggressor nation. The question arises as to whether the Congress will also be ready to be a party to any world scheme of military sanctions. Military sanctions stand on a footing somewhat different from that of economic sanctions. Opinion on their usefulness is divided . . . there is believed to lurk a danger in the application of military sanctions, such as would make the war look futile in retrospect, or else, the result of the war may not be in consonance with the ends of peace and justice.¹⁷

The Congress leaders also believed that an emphasis on military sanctions was likely to transfer the peace initiative from the people to the governments. Furthermore, they felt that participation in a war would not be in line with the ethics of non-violence which they then held dear, and that the situation arising from resort to military sanctions would not be conducive to the safeguarding of peace.

The Congress leaders later changed their attitude and in 1941-42 expressed their readiness to participate under certain conditions in the war efforts of the Allies. Even then their earlier statements are worthy of note, because they show that then, as later, the Indian leaders abhorred the use of violence for maintaining international peace and security.

During this period, when there was a demand in India for collective action against the aggressors, all attempts by Great Britain and France to appease Hitler and Mussolini were naturally very unpopular. It was maintained that the Munich Pact of 1938 was a betrayal of Czechoslovakia. For instance, the Congress Working Committee's resolution of October 1938 stated:

The Working Committee send their profound sympathy to the brave people of Czechoslovakia in their struggle to preserve their freedom. Being themselves engaged in a war, though non-violent but nonetheless grim and exacting, against the

¹⁷ *Ibid.*, p. 14.

greatest power on earth, India cannot but be deeply interested in the protection of Czechoslovakian freedom.¹⁸

Consistent with the Congress party's support for those resisting aggression, the Working Committee in 1939 sent an ambulance unit with Indian doctors to China. It was realized that in the grim struggle that was then going on in China, this mission could not accomplish much, but it was an expression of India's sympathy and solidarity with China in its struggle for freedom.

The same effect was produced by some of the activities of Pandit Jawaharlal Nehru, who, more than any other individual, was responsible for the Congress party's active interest in world affairs. Through his speeches and writings, he appealed to the people of India to ally themselves with the forces of democracy against fascism. At considerable personal risk, he visited war-torn Spain in 1938 and China in 1939 to convey personally India's goodwill to the people of those countries. In March 1936 when Pandit Nehru visited Rome on his way back to India from Western Europe, Mussolini took the opportunity to invite the Indian leader to meet him. Although not wanting to show discourtesy to Mussolini, he declined the invitation as he was afraid that such a meeting at that time would lead to all manner of inferences which would be favorable to Fascist propaganda.

Reaction in the Indian Press: The reaction of the Indian press to the armed conflict in Manchuria, Ethiopia, and Spain was mixed. The failure of the League of Nations to avert war and combat the aggressive designs of Japan, Italy, and Germany was condemned. There was widespread demand that aggression must be met by force by other states working under the guidance of the League of Nations. It was also asserted that the dominant powers in the League, Britain and France, wanted to placate Italy, Japan, and Germany so that their own empires might be held intact. While

¹⁸ *Indian National Congress, February 1938 to January 1939* (Allahabad: All India Congress Committee, 1939), p. 39.

one section of the press was thus denouncing the Fascist aggression and pleading for collective action against it, another section exhibited an undertone of admiration for the victory of the Fascist powers and expressed the view that they were only breaking the imperialist monopoly of Britain and France.

The nature of the Spanish Civil War was not properly appreciated and only a few articles appeared in support of the declared policy of the Indian National Congress which strongly criticized the neutrality of Britain and France. Japan was more or less unanimously condemned for its aggressive policy toward its neighbor. Sympathy was showered on China and final victory was devoutly hoped for. The newspapers which recognized the reactionary nature of fascism welcomed the Soviet Union's entry into the League in 1934 and the Franco-Soviet Pact of 1935. About the Russo-German Pact of 1939, many misgivings were expressed.

The following are some press comments of this period. *Amrita Bazaar Patrika* wrote on 3 March 1933:

The very existence of China is threatened by Japan's hostility on her mainland. There is no reason why the League should not take direct action to stop Japanese high-handedness. If the League fails to do that, it is better that this sham institution for peace was abolished in no time.

In July 1935, it wrote:

The League is faced with Italian aggression in Abyssinia. Italy has refused to listen to representations from the League. France has refused to raise her hand against Italy, and Britain has followed *en suit*. The protection offered by the League is going to be proved as of no value whatever. Once again it is demonstrated that the League is a League of Great Powers to protect and advance their particular interests. If the League fails to protect Abyssinia against the publicly declared intentions of Italy to make a meal of her, it is up to the coloured nations of the world who are members of the League to decide their own course of action and the only course dictated by self-respect is withdrawal from the League.

Although there was vigorous demand for armed action against Japan and Italy, there was not much enthusiasm in India for participating in a European conflict. In other words, aggression in Asia and Africa was more severely condemned than aggression elsewhere. It was even feared that the big powers would engage themselves in a war in Europe in the name of democracy but for the purpose of protecting their own interests.

The trend of thinking on these issues was more or less as follows: Germany's action in reoccupying a part of its territory was not so black that it must be met with force. If the members of the League of Nations could tolerate the invasion of Abyssinia by Italy, how could they condemn Germany's actions in Europe? In fact, one writer commented:

... to judge impartially, between Italy's action and Germany's, the conclusion is irresistible that the League has far less justification for intervention on behalf of France than she had on behalf of Abyssinia. Regard being had to the past failures of the League, e.g. in Manchuria or Abyssinia, the League cannot possibly make the cause of France its own.

INDIA'S DILEMMA IN THE SECOND WORLD WAR

When the Second World War did start in September 1939 the leaders of the Congress party were in a dilemma: there was on the one hand opposition to British imperialism, and on the other intense hatred of nazism. If the British government had taken a bold decision to transfer the substance of power to Indian hands, or had at least promised India freedom after the war, this situation would not have arisen.

It was reported that there was a group within the Congress who were eager to ally themselves even unconditionally with the democratic nations of the world in their fight against totalitarianism. But in the country at large no enthusiasm could be aroused for a world

cause unless it could be proved that it was in keeping with national interests. At that time all the thought and energy of the majority of the politically conscious people of India were directed toward the struggle for the achievement of freedom. The Congress Working Committee stated on 15 September 1939:

If Great Britain fights for the maintenance and extension of democracy, then she must necessarily end imperialism in her possessions. A free democratic India will gladly associate herself with other free nations for mutual defence against aggression and for economic co-operation.¹⁹

As the negotiations between the Indian leaders and the British government did not lead to a settlement on the basis of India's freedom, the people of India became increasingly opposed to the idea of participating in Britain's war efforts.

By August 1942 there was an open break between the Congress leaders and the British government. This led the Indian people to dissociate themselves from the war efforts of the United Nations. The Congress party's resolution of 9 August 1942 demanded the immediate withdrawal of British power from India. It is significant that even then the Congress resolution made it clear that if the withdrawal took place, a provisional government would be formed and free India would become an ally of the United Nations and fight for the success of freedom and democracy. The Congress party's resolution added: "A Free India will assure this success by throwing all her great resources in the struggle for freedom and against the aggression of Nazism and Fascism and Imperialism."²⁰

When the government considered this attitude of the Indian leaders as a challenge and imprisoned them, even this sentiment in favor of the Allies gradually disappeared. Following the imprisonment of the leaders there was open rebellion against the government

¹⁹ *Congress and the War Crisis* (Allahabad: All India Congress Committee, 1939), p. 16.

²⁰ Pattabhi Sitaramayya, *History of the Congress* (Bombay: Padma Publications, 1947), Vol. II, p. 344.

in some parts of the country. The government tried by force to suppress this rebellion and the public demonstration in sympathy with the Congress leaders. This situation led to an increase of pro-Fascist and pro-Japanese sentiments within the country which found some expression in support for Subas Chandra Bose, a prominent Indian leader, who collaborated with the Germans and the Japanese during the war. It may, however, be noted that even these people did not believe in fascism or in any other totalitarian doctrines. Their attitude was that Britain's enemy was India's friend. It must be emphasized that pro-Japanese and pro-German feelings were never very strong in India.

It is very difficult to sum up the Indian attitude toward the United Nations war efforts. In the country there was much support for the view that the world community must take action to put an end to the aggressive designs of a few powers. But the manner in which that international responsibility was institutionalized during the Second World War was not acceptable to the people of the country.

OPINIONS ON THE NEW WORLD ORDER

During the war a large section of the Indian people was sceptical of the new world order that was expected to emerge after the war. As early as April 1941 one newspaper wrote:

The prospect of a new world order does not seem to be particularly bright unless of course the present war leads to unforeseen results and ends in a wholesome destruction of the very foundations of imperialism and the shattering of all dreams of world domination.

Disappointment was expressed in many quarters at the statements by some Western statesmen that the Atlantic Charter would not apply to dependent territories. The *Hindustan Standard* commented as follows:

The Atlantic Charter, the declaration of four freedoms and other pious declarations regarding the war and peace aims of the Allies and the shape of the world to come after the war sound at present extremely ironical in relation to India when the whole world has come to treat this country as a domestic problem of Britain and Churchill has declared that he is not going to preside over the liquidation of the British empire.

The sincerity of the Teheran Declaration of 1943 was also questioned in India. The view was expressed that the principles contained in these declarations "cannot touch any new chord in the hearts of the peoples of the East who are under the suzerainty of the British, Dutch or U.S.A. unless democracy is established in India."

In 1944 the Dumbarton Oaks proposals were severely criticized in India on the ground that they were not likely to solve the problems of peace, because they did not deal with the main question: How, given the present organization of the state system, could the objectives of the proposals be carried out? It was stated that the territorial ambitions of the big powers were responsible for most of the conflicts in the world and that the Dumbarton Oaks proposals made no attempt to reconcile the conflicting interests of different states in various fields. It was, therefore, considered as "another futile attempt for the achievement of world peace."

In this period, however, one also comes across opinions of a different nature in the India press. One of the articles in the *Modern Review* commenting on the Dumbarton Oaks Conference stated: "It is a noble attempt to make the world safe for the peace-loving peoples so that they may be assured of living their lives in freedom from fear and want."²¹ It was also said that India must wholeheartedly support the ideas embodied in the Dumbarton Oaks proposals.

By the time the San Francisco Conference was convened, the questions of transfer of power from British to Indian hands and

²¹ *Modern Review* (November 1944), p. 256.

of the partition of the country attracted so much attention in India that discussions and comments on international affairs were meager. There were some stray comments about the San Francisco Conference. One statement was that:

. . . imperialists are crying and clamouring for dominating the weaker nations for all time to come. Not only that, measures are also being adopted to suppress the voice of the enslaved nations of the world. In view of this, the Conference cannot produce much hope in the minds of Indians, still in bondage.

Very often one heard the view that the United Nations "is nothing but the old League of Nations resurrected."

The international organization's responsibility for dependent peoples attracted some attention. One newspaper commented on the trusteeship provisions of the Charter:

The conception of Trusteeship, as conceived by the founders of the U.N.O., should have been acceptable if it were part of a widening system of freedom for the dependent peoples. But, on the contrary, its whole aim seems to be to maintain the *status quo* through a new technique of administration. If trusteeship as a means of securing world security is to have a fair trial it must face its tasks more resolutely on the basis of universal freedom.

Opinions on the provisions concerning the unanimity of the big powers in the Security Council were divided in 1945 as they were later. One of the journals said in 1946: "The Veto-system of the U.N.O. is only a reproduction of the weakness which destroyed the League of Nations." The League, it was said, failed because, while it could bully small nations, it was powerless to check the aggression of the big powers. According to this journal: "With the Veto in use and the balance of power doctrine in view, the U.N.O. cannot prevent a third world war."

Another section of the press supported the veto provisions in the Charter on the ground that the principle of unanimity assured

the co-operation of the big powers. Those who held this view contended that the refusal of the big powers to co-operate with one another was responsible for the failure of the League. It was pointed out that another weakness of the League was the domination over it by imperial powers like Great Britain and France. The emergence of the United States and the Soviet Union as strong powers in the international field was welcomed by those who held this view. An influential section of politically conscious people felt that these two powers had no imperialist traditions.

By way of summing up, one can say that in India both hopes and fears were expressed at the birth of the United Nations.

India's Foreign Policy Objectives and the United Nations

As noted in the previous chapter, the nature and the composition of the League of Nations were to some extent responsible for India's opposition to, and lack of confidence in, that organization. The new world organization is certainly unlike its predecessor in this respect: the Western European powers—and especially France and Great Britain—have much less influence than they had in the League. The emergence of the United States and the Soviet Union as the two big powers in the postwar world and their decision to participate fully in the life of the international community make the United Nations radically different from the League. From the working of the various organs of the United Nations, even during the initial stages, it is clear that the small powers of Asia, Africa, and Latin America are also exercising considerable influence. There is no doubt that all these features make the United Nations different from the League and more acceptable to India.

This chapter is concerned with the primary objectives of India's foreign policy as stated by the government's official spokesmen and their bearing on the Indian attitude toward the United Nations. In general, these objectives have raised no controversy within India; but the way in which the government has tried to fulfil some of them has at times led to criticism. The differences of opinion on details and on some of the activities of the government in the international field will be noted in subsequent chapters.

Not only the nature and composition of the new world organization, but also the new status of India is favorable to its taking a keen interest in international co-operation in general, and in international institutions in particular. After Indian leaders assumed power in New Delhi in September 1946, India achieved the satisfaction of sending to international conferences representatives of its own choice rather than those selected by the British government. Furthermore, in the postwar world, political forces are moving in such a direction that isolationist sentiments are losing strength even in those countries where they were once strong. In a country like India, where there had been a great interest in international developments even before the achievement of freedom, it was natural for sentiment in favor of active participation in world affairs to gather great strength after the Second World War. The feeling is widespread in the country that international peace can be maintained only if there is a world organization to settle disputes between nations in a peaceful manner. It is considered that the United Nations is the only organization available for this purpose in the postwar world.

In September 1946 when Indian leaders first assumed power, Pandit Nehru, the Member for External Affairs and Commonwealth Relations in the Governor General's new Executive Council, outlined India's foreign policy as follows:

In the sphere of Foreign Affairs, India will follow an independent policy, keeping away from the power politics of groups aligned one against the other . . . India will uphold

the principle of freedom for dependent peoples and will oppose racial discrimination wherever it may occur. She will work with other peace-loving nations for international co-operation and goodwill without exploitation of one nation by another . . . Towards the United Nations, India's attitude is that of wholehearted co-operation and unreserved adherence, in both spirit and letter, to the Charter governing it. To that end, India will participate fully in its various activities and endeavour to play that role in its councils to which her geographical position, population and contribution towards peaceful progress entitle her.¹

These still remain the main objectives of India's foreign policy insofar as relations with the United Nations are concerned. The popular opinion in India is that, in spite of its many weaknesses and failings, the United Nations stands for something that is good and should be supported at all costs.

It has been this confidence in the United Nations that has encouraged India to refer to it questions connected with Indonesian freedom, Kashmir, and the treatment of persons of Indian origin in the Union of South Africa. This faith in the United Nations was to some extent shaken by certain decisions of the Security Council on Kashmir, which some Indians felt were influenced by power politics. The ineffectiveness of some of the recommendations of the General Assembly in regard to the treatment of people of Indian origin in South Africa also caused much disappointment. But on the whole India retains its faith and interest in the Organization. At no time has criticism of the working of the United Nations reached the level of fundamental opposition to it. It is significant that, even while expressing dissatisfaction with many of the decisions of the United Nations, Indian newspapers, in comparison with the newspapers of many other countries, have given wide publicity to news about the work of the Organization.

¹ *The Indian Annual Register: July-December 1946* (Calcutta: N. N. Mitra, 1947), pp. 252-53.

PURSUIT OF PEACE AND AN INDEPENDENT FOREIGN POLICY

Before examining the major factors of India's foreign policy, it should be noted that the fundamental problem facing India after achieving freedom has been internal and not external. It is the gigantic problem of providing a vast population with the necessities of life—food, clothing, and housing. The government of India is fully conscious of these difficulties and also of the economic and military weakness of the country. India is dependent for the major portion of its war materials, including oil, on external supplies, which for the most part have to be transported in foreign ships. India possesses vast potential resources and manpower which can, in course of time, greatly increase its economic and military strength. It is fully realized that not only India's participation in a war, but the occurrence of any war in which the major powers are participants, will hamper India's economic development because it will considerably reduce India's chances of getting technical and economic assistance from abroad. The realization that a long period of world peace is a necessary condition for the rapid development of India's economic resources has led the Indian government to give highest priority to the pursuit of international peace.

The Indian government is also convinced that, unless the member states owe unqualified allegiance to the United Nations, international peace will be endangered and that the division of the world into power blocs will not be in the interests of the world organization. India has decided not to be a party to any such development either by helping in the formation of new power blocs or by joining any of the existing ones. Consistent with the policy of promotion of world peace, India follows an independent foreign policy and examines each question that comes before the United Nations on its merits.

This does not however mean that India will not co-operate or work in agreement with other states outside the United Nations.

The Indian government is not prepared to break historical connections with the British Commonwealth. Within the United Nations itself, India has been working in close co-operation with the Arab-Asian group of nations. But these attempts at co-operation with other states are not designed to supplant the United Nations, but only to supplement it in its efforts to find solutions to the world's problems.

India's decision to follow such an independent policy is not just the result of the government's efforts to promote peace by avoiding any entanglement in power blocs. India finds itself in disagreement with one or another of the major powers on many vital issues. It goes without saying that the existing government in India, which accepts the Western concept of the democratic way of life, cannot, in the present context of international affairs, ally itself completely with the Soviet bloc. It is also clear that, because of sharp differences of opinion with the Western states on questions connected with race relations and dependent peoples, India cannot be an enthusiastic member of the Western bloc.

THE UNITED NATIONS AND THE MAINTENANCE OF PEACE

The Indian government has also made it clear that India's decision to follow an independent foreign policy is not the result of a passive or negative approach toward world problems, but is a positive policy for the lessening of tension in the international field. It is, of course, contended that India itself would not prepare for a war and would, if possible, avoid taking part in one. But it is also maintained that by working in co-operation with those members of the United Nations who think on similar lines, a third area, outside the two major power blocs, can be created and widened in the interests of peace. This would not be another power bloc. It was, and is still, hoped that these states, including India, would at times serve the cause of peace by performing mediatory and

conciliatory functions between the warring camps, and by emphasizing the role of the United Nations in the field of pacific settlement of disputes, as distinct from enforcement measures.

Now a question may be raised: What would be India's attitude in the face of aggression by one power against another? The question is answered by India's Prime Minister in the following words: "When man's liberty or peace is in danger, we cannot and shall not be neutral; neutrality, then, would be a betrayal of what we have fought for and stand for."²

On a theoretical plane, this feature of India's foreign policy would not meet with objection from any quarter. But many of the actions of the Indian government in the international field have led to great controversy. It has very often been alleged that India follows a policy in the international field of appeasing aggressors. But the Indian government is of the opinion that those who make such accusations ignore another important factor in the international situation. The Indian Prime Minister, in the speech referred to above, also stated:

The very process of a marshaling of the world into two hostile camps precipitates the conflict which it is sought to avoid. It produces a sense of terrible fear and that fear darkens men's minds and leads them into wrong courses. There is perhaps nothing so bad and so dangerous in life as fear . . .

Our problem, therefore, becomes one of lessening and ultimately putting an end to this fear. That will not happen if all the world takes sides and talks of war. War becomes almost certain then.³

In concrete terms this means that India follows a policy that seeks to reduce the chances of war. This differs from the policy of some other nations that are preparing to win a war which, in their opinion,

² Jawaharlal Nehru, *Visit to America* (New York: John Day, 1950), p. 31.

³ *Ibid.*, pp. 30-31.

cannot be avoided or can be avoided only by negotiating with potential aggressors from situations of strength.

According to many Americans the capture of power by the Communist parties in many countries in the postwar world is analogous to the expansion of power by the Nazis, Fascists, and the Japanese militarists in the prewar world. These Americans also point to the fact that the appeasement of the Fascist aggressors did not bring permanent peace, but only postponed the outbreak of war. They conclude, therefore, that it must be made clear to the Communist governments that their aggressive designs will be met, even in the initial stages, by force. The large majority of Indians do not share these views. They accept the Communist party's rise to power in China as an accomplished fact and more or less take the attitude that it is for the Chinese to decide what system of government they should have. Some among them have even welcomed the assumption of power by the new regime in China because it has proved itself to be more competent in tackling that country's economic problems than the previous regime and because it has taken steps to eradicate corruption which was rampant in that country. This attitude makes the Indian approach toward the question of the United Nations relations with China different from that of the United States.

Nor does India think that everything is black in the Communist camp and white in the Western camp. The existing Western domination over some peoples in Asia and Africa is viewed in India with much the same resentment that many Westerners feel over the Communist capture of power in some countries. In Indo-China the alleged help the Chinese gave to the Viet-Minh is considered by many Westerners as an act of aggression, but many Indians questioned the right of the French to remain in that country and the propriety of the action of the United States in giving substantial military help to the French.

In regard to action by the international community in tackling other complex problems of a similar nature, India is again not in

complete agreement with the dominant powers of the West. Naturally the Indian government opposes proposals that would in effect convert the United Nations into an executive agent of an anti-Communist alliance. As India is not convinced that the actions of one of the power blocs constitute the exclusive threat to the peace of the world, it is not eager to participate in any scheme of collective security, either outside or within the United Nations framework, that would involve forceful action by one of the power blocs against the other. India wants the world organization, at present, to concern itself with functions other than enforcement measures, for example, conciliation, negotiation, and mediation.

In this connection there is another aspect of the matter that is worth noting. When India accepted the United Nations Charter, it was aware of the obligations of United Nations membership and was prepared to fulfil them. It was also aware of the limited nature of these obligations. The basic premise of the United Nations is co-operation among the great powers and the United Nations mandate for effective enforcement action is based on this co-operation. The veto power, written into the Charter, is an explicit recognition of that fact and an implicit guarantee to all members that they will not be asked to wage a war, in the name of the United Nations, against any of the big powers. Any attempt to by-pass the veto would be against the spirit of the Charter and would be removing the implicit guarantee given to the members. At present India is not prepared to undertake, in the vital field of enforcement measures, any new commitments beyond the areas covered by the Charter.

The Indian attitude toward the question of the veto is also influenced by another factor. As already noted, one of the reasons why the United Nations is more acceptable to the Indian public than was the League of Nations is that the United Nations has a more representative character. Any attempt to destroy this character—the effort to abolish or limit the veto is so regarded—is not very popular in India. India wants the United Nations to be

as universal as possible and not just an organization of "like-minded" nations.

India's approach to war and peace is not exclusively concerned with the technique of meeting any immediate threat to peace, but is also directed toward removing the root causes of war. In the view of the Indian government, some of these causes are the domination of one country by another, the racial discrimination prevailing in some areas of the world, and the want, disease, and ignorance which affect the greater part of the world's population.

DEPENDENT AREAS AND THE WORLD COMMUNITY

India is vitally interested in the matter of the United Nations role in dependent territories. As the people of this country gained their independence only recently, they know what it is to be without freedom. Now India has the privilege of being represented, as a sovereign state, in international conferences. According to Indian spokesmen this privilege has corresponding obligations and one of these is to champion the cause of those who are not represented in such conferences. Moreover, many people of Indian origin live in countries that are not free and the people of India are greatly interested in their welfare. The Indian government also recognizes the fact that some of these countries are near India and that it cannot, therefore, be completely indifferent to what is happening there.

The championing of the cause of dependent territories by India in international conferences has taken different forms on different occasions. Addressing the United Nations General Assembly on 3 November 1948, Prime Minister Nehru said that,

. . . it was an astonishing thing that any country could still venture to cling to that doctrine of colonialism, whether by direct or indirect rule. After all that had happened there would be no mere objection to that situation, but an active

struggle against any and every form of colonialism in any part of the world.⁴

India has played a leading role at international conferences in actively opposing the continuance of colonialism in different parts of the world. On the question of Indonesia, for instance, India demanded that the United Nations take steps that would lead to an early recognition of Indonesia's freedom. In regard to the former Italian colonies, India advocated giving freedom to the territories as soon as possible. When the questions of Morocco and Tunisia came up before the United Nations, India made clear its opposition to the French colonial rule. India has also emphasized the international responsibility for those territories which for some reason are not in a position to become independent in the near future.

When the Union of South Africa, unlike the other mandatory powers, refused to place the mandated territory of South-West Africa under the United Nations trusteeship system, India questioned the legal validity of South Africa's action. Many other member states and the International Court of Justice did not agree with the Indian view that South Africa was legally bound to place the territory under trusteeship. India maintained that, apart from the legal aspect, the question could not be isolated from the broad principles of international morality and consideration of the liberty and welfare of the inhabitants of South-West Africa. On the basis of these principles, India suggested that South-West Africa should be placed under the United Nations trusteeship system because India believed that the interests of the inhabitants would be better promoted by this step than by incorporation of the territory in the Union of South Africa.

Regarding the general principles governing the trusteeship system, India holds very strong views. Indian spokesmen have maintained

⁴ General Assembly, Official Records: 3rd Sess., 1st Part, 154th Plenary Mtg., 3 Nov. 1948, pp. 375-76.

that the United Nations must have the ultimate power to supervise the administration of the trust territories and that the administering powers should act only as agents of the United Nations. India has demanded that early steps should be taken to grant complete self-government to the people of the territories and that racial discrimination should not be practiced in any form in the territories. As to the implementation of the terms of the trusteeship agreements, the Indian view has been that the letter and spirit of the Charter should be observed by the administering powers and interpreted in a broad and liberal manner.

India has also emphasized international responsibility for the non-self-governing territories—the dependent territories outside the trusteeship system. In one of the early meetings of the Fourth Committee of the United Nations General Assembly, the Indian delegate pointed out that these colonies are far more important in population and area than the trust territories and he put forward the view that, in their administration of these colonies, the colonial powers should be answerable to the United Nations in much the same way as the trustee powers are in regard to the trust territories.

The Indian view on the relations of the United Nations with dependent territories can be summed up as follows. As far as possible, United Nations organs must facilitate the extension of freedom in these territories, and where it is not possible to do so in the immediate future, the world organization must exercise its responsibility to see that the welfare of subject peoples is not sacrificed in favor of the vested interests of the colonial and trustee powers.

INTERNATIONAL ACTION FOR RACIAL EQUALITY

On questions concerning racial equality India also wants the United Nations to exercise its influence and power in favor of freedom and progress. Indian spokesmen have repeatedly stated that discrimination based on race, practiced by some people of the

world, is a grave danger to peace. In the opinion of the Indian government, the United Nations cannot disregard this issue in view of the principles and purposes clearly stated in the Charter, which reaffirm faith in fundamental human rights, and express the determination "to promote social progress and better standards of life in larger freedom." The treatment of people of Indian origin in South Africa is a specific case of the violation of fundamental human rights. India's position on the handling of this issue by the United Nations has been based on political and moral considerations.

It is widely believed in India that only the pressure of international opinion and action by international organizations can bring a change in regard to racial discrimination in countries where dominating social and political forces are interested in maintaining it. On the question of the authority of the United Nations to take action in this field, India's views are much the same as those expressed on the issues concerning dependent areas. India is of the opinion that the United Nations Charter must be interpreted in a liberal, not a rigid, manner so that the world organization can be an agency of action for widening areas of freedom and progress.

ELIMINATION OF WANT AND MISERY

India believes that the elimination of want, disease, and illiteracy, which affect the greater part of the world's population, would remove one of the main sources of ill will and discord among nations. It is fully realized that the advanced countries can assist and help the underdeveloped countries in many ways. However, it is feared that assistance by an advanced country to an underdeveloped country, given on a bilateral basis, may lead to some kind of domination by the former over the latter. It is, therefore, very often suggested that to avoid such pitfalls assistance to underdeveloped countries should be channelled through international agencies. Action in this field by international agencies is naturally

welcomed in both official and non-official circles in India. India has fully participated in the work of the specialized agencies of the United Nations and finds this international approach to economic and technical help preferable to assistance through bilateral arrangements.

Organizational and Structural Questions

THE VETO

Proposals relating to the organization and structure of the United Nations evoked great controversy even during the San Francisco Conference. More than once it was felt that the Conference would break down without coming to an agreement regarding the nature and scope of the Organization. The Charter, when it was finally approved, gave the Security Council the primary responsibility for the maintenance of international peace and security. It was decided that the Council would consist of eleven members: the five great powers as permanent members and six other non-permanent members to be elected by the General Assembly for a term of two years. Referring to the voting procedure in the Council, Article 27 of the Charter states:

Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members . . .

This right of each great power to block the decision of the majority is very often referred to as the veto. However, it should be noted that Article 27 requires that any party to a dispute abstain from voting on decisions concerning the pacific settlement of that dispute.

The assumption behind these provisions was that the great powers would co-operate with one another in maintaining peace and security and in making the new world organization a success. This assumption has not been fulfilled. Since 1946 rivalry between the big powers has eclipsed all other developments in the international field and has very often led to a deadlock in the Security Council discussions.

The repeated use of the veto by the Soviet Union led the United States and some other members to revise their attitude toward the role of the great powers in the international organization. They began to demand that there be restrictions of the area in which the veto applies and to emphasize the role of the General Assembly rather than the Security Council in the field of security matters. It was also clear that they had begun to look to organizations other than the United Nations to protect their interests and this led to the conclusion of military pacts. These developments raise basic questions regarding the structure and working of the United Nations.

The provision concerning the voting privilege of the permanent members—popularly known as the veto—was opposed even during the San Francisco Conference. At that time it was the theory of the veto that was subject to criticism; since 1946, however, opposition has been directed against the manner in which the veto has actually been exercised by one of the big powers. It is also significant that, while at San Francisco the big powers put up a virtually united front in favor of including the veto provision in the Charter, in 1946 two among them—the United Kingdom and the United

States—generally supported demands, put forward particularly by Australia, to restrict the veto. Since 1947 the United States itself has taken the lead in this matter and this led to bitter controversy in subsequent sessions of the General Assembly.

The Indian attitude toward the veto provision has naturally been influenced by its basic approach to the United Nations. As noted earlier, the Indian leaders and the government of “free” India welcomed the participation of all the big powers in the international organization of the postwar world. It has been fully realized in India that the presence of the United States and the Soviet Union gives the United Nations power and prestige which the League of Nations lacked. It was also clear that both the United States and the Soviet Union favored inclusion of the veto privilege in the Charter. India naturally was not opposed to any provision insisted upon by the big powers.

The second part of the first session of the United Nations General Assembly in 1946 was the first time that the people of India had their own representatives in the United Nations. At that session the Indian delegate, in explaining his government’s stand on the veto, stated that however undemocratic the veto might seem in theory, it should not be removed from the Charter because the voting privilege given to the big powers essentially reflected the international power situation. The constant exercise of this privilege by one of the powers was only the result of the tension in the international field. In other words it was the symptom and not the disease. The only way of solving the problem arising from the constant exercise of the veto by the Soviet Union was to ease the tension in the world. India feared that attempts to remove the veto, or to make any radical changes in the machinery provided in the Charter, without the consent of all the big powers, would only increase tension.

The Indian delegate also reminded the members that the League of Nations had been ineffective because the United States failed to join it and because of the subsequent withdrawal of certain big

powers from it. India was opposed not only to the removal of the veto provision but to other proposals that sought to preclude the use of the veto on specific issues such as pacific settlement of disputes and admission of new members. In the Indian government's view what was needed was not to restrict the area of the veto but to regulate its use and that was a matter for the Big Five themselves to consider.

These views, expressed in the 1946 session of the General Assembly, are still held by the Indian government. India has always maintained that observance of the letter and spirit of the Charter means accepting the veto provision in its entirety and acting accordingly, unless the great powers themselves agree to a change.

In 1947, the General Assembly approved a resolution, submitted by the United States, requesting the newly established Interim Committee to study the problems connected with the frequent use of the veto. The Indian delegate expressed the view that the Interim Committee was not, at least at that stage, competent to take up such controversial matters.

The Interim Committee in its report listed thirty-six possible decisions by the Security Council which it recommended should be considered "procedural" and therefore not subject to the veto. The Committee also recommended that the permanent members of the Council agree that twenty-one other decisions should be adopted by the vote of any seven members of the Security Council, regardless of whether the decisions were considered procedural or non-procedural. This category included decisions on the pacific settlement of disputes and the admission of new members. At the third session of the General Assembly in 1948 the Western powers introduced a resolution, based on the Committee's recommendations. The permanent members of the Security Council were asked to seek agreement among themselves upon possible decisions in respect of which they might forbear to exercise their veto when seven of the Council's eleven members had cast affirmative votes. The resolution also recommended that the permanent members

should use the veto only on questions of vital importance, taking into account the interests of the United Nations as a whole, and that in using the veto they should state upon "what ground they considered this condition to be present."¹

The Indian representative expressed his inability to support this resolution and reiterated India's previous stand on this issue. He pointed out that, when issues such as racial discrimination and information on non-self-governing territories were discussed, the Western powers demanded a strict, legal interpretation of the Charter and they considered the reference to moral obligations and the spirit of the Charter irrelevant and meaningless. But on the question of veto they were preaching standards which they, themselves, were not prepared to accept and follow when their own interests were at stake. The Indian delegate requested all members to accept without reservation all the implications of the Charter. He also expressed the view that it was not the time to revise the Charter and that only the establishment of conventions could solve the problem.

Although the resolution sponsored by the Western powers was adopted by the General Assembly in April 1949, it was ineffective because of the refusal of the Soviet Union to accept the recommendations.

In preparing this report on *India and the United Nations*, the Study Group examined the implications of the veto and the proposals to abolish or regulate its use. The question of limiting the area of operation of the veto was discussed at length. The members of the Group agreed with the government's position that India should not support any proposal for the abolition of the veto. It was more or less agreed that the United Nations would be unworkable without the veto. Some members also expressed the view that, as the principle of the veto was incorporated in the Charter, there was no way of getting rid of it, except by agreement among the big powers.

¹ General Assembly Resolution 267 (II), 14 April 1949.

When the Study Group tackled the question of regulating the use, or restricting the area, of the veto, there was no unanimity. At least one member felt that the Charter must explicitly prohibit any big power from vetoing decisions on subjects like the admission of new members and the pacific settlement of disputes. But the majority view was that any restrictions of this kind could come only through an agreement among the big powers and they suggested the establishment of precedents for this purpose.

Against this view the difficulty of creating a convention in a short time was raised, because a "convention becomes a convention only after a long period of acceptance;" moreover, a convention could always be violated. Other members pointed out that there was no way of changing the Charter without the concurrence of the big powers and that the only way of restricting the area of veto was by agreement among them. It was again emphasized by the majority that no major amendment could be made to the Charter under the present conditions.

The possibility of enlarging the scope of "procedural matters," to which the veto does not apply, was then taken up. One member suggested that the use of the veto might be precluded on some decisions by including them among procedural matters. Then the question arose: Should this be put into effect by a formal amendment to the Charter, or by defining the range of procedural matters in a resolution of the Security Council or the General Assembly? One of the members stated that there was no way of enlarging the scope of procedural matters, because procedural matters were procedural and substantive matters were substantive. According to him the only way of limiting the matters coming under the veto was by stating specifically what decisions could be adopted by the Council by an affirmative vote of any seven members. Here again the difficulty of any amendment to the Charter was raised and noted by the Study Group. The majority of the members came to the conclusion that the only practical method of restricting the area of veto was to create conditions in which the big powers

would themselves come to a voluntary agreement on what matters would not be vetoed.

There was no consensus among the members of the Study Group as to the subjects to be covered by such a common agreement. There was extensive discussion on the suggestion that action taken under Chapter VI of the Charter, which deals with the pacific settlement of disputes, should not be subject to the veto. The member who put forward this suggestion admitted that without the concurrence of the great powers certain actions could not be taken by the organization. As an example he mentioned the use of force to repel aggression because, in his opinion, the failure of the big powers to act together in this regard would lead to a general war. According to him, when it was a matter of negotiation, as in the case of the pacific settlement of disputes, the concurrence of the big powers was not essential.

The majority of the members disagreed with this view. One of the members said that Chapter VI was not as innocent as it looked and that action taken for the pacific settlement of disputes might have a coercive effect. By way of illustration, he cited India's experience in Kashmir. He expressed the view that, if decisions under Chapter VI were excluded, the veto would be eliminated from a very large field of action. He also called attention to the fact that, by excluding the veto from Chapter VI, it would be difficult to retain it in relation to matters involving Chapter VII, that is, enforcement measures. This would mean that a big power could veto a decision on enforcement measures but would be powerless to prevent a decision on the same issue at an earlier stage. Sometimes a decision to enforce peace could logically follow from the failure of other actions. To retain the veto with regard to enforcement action while prohibiting its use on measures involving pacific settlement might create a difficult situation in which the United Nations would be unable to follow up its earlier decisions.

Another member, who supported the elimination of the veto on decisions concerning pacific settlement, argued that although most

of the actions of the United Nations were interconnected, there was a clear distinction between the pacific settlement of disputes and enforcement action taken by the United Nations after an open breach of peace. In his view unless some such important matters were brought outside the veto, no useful purpose would be served by putting forward any proposal.

Other members of the Study Group appreciated the distinction between the use of peaceful means and enforcement through collective measures, but they were not prepared to support any proposal that would in effect exclude the veto from two-thirds or more of the important matters that would be tackled by the Security Council. In their opinion, to exclude from the veto the pacific settlement of disputes would have that effect. According to them it was not the time to restrict the area of veto in such important spheres, and proposals along these lines were impracticable as they would not be accepted by all the big powers. It was realized that in regard to Greece and Czechoslovakia the exercise of the veto by the Soviet Union had prevented further deterioration of the situation in that, if United Nations commissions had visited the territories concerned against the opposition of the Soviet Union and other Communist states, international tension would have increased. One of the members also stated that India would have welcomed a veto of the Anglo-American resolutions on Kashmir which were accepted by the Security Council.

To sum up, the Study Group rejected the view that the pacific settlement of disputes should be excluded from the veto. Nor was the proposal accepted to exclude from the veto decisions connected with the admission of new members. The view was expressed that the Big Five should examine whether a state seeking admission was able and willing to carry out the obligations of membership. It was feared that if admission of new members was not subject to the veto, a majority of the members would pack the United Nations with countries of their choice. The majority view in the Study Group on this matter was that the veto should be retained

in this field, although it was fully realized that this might lead to a deadlock. In general, it was felt that, except in regard to decisions on certain unimportant matters, the provision requiring the concurrence of the big powers must be retained in the Charter and that both the letter and the spirit of the provision must be strictly observed.

THE INTERIM COMMITTEE

The Interim Committee, popularly known as the "Little Assembly," was constituted by a General Assembly resolution of 1947. It was sponsored by the United States and vigorously opposed by the Communist states. The United States representative stated that the establishment of such a committee was necessary because the Security Council could not reach a decision on many important and urgent problems because the Soviet representative vetoed "any reasonable proposals" submitted by other states.

The Interim Committee was given wide powers and, unlike the Assembly, it was to be in continuous session. Those who supported the creation of the Committee drew attention to the scope and complexity of the problems on the Assembly's agenda and expressed doubt about the ability of the Assembly to tackle them in its regular sessions. In their opinion a definite need existed for constant attention to the work of the Assembly in order to deal with continuing problems. It was expected that a standing committee would fulfil this function.

Apparently this argument for the establishment of the Interim Committee appealed to India. There is no doubt that India welcomed the creation of the Committee as an experimental measure with the hope that it would facilitate the work of the regular sessions of the Assembly and in the belief that it did not constitute an infringement of the Charter. But later, when owing to the boycott of the Communist states the Committee was not in a position to tackle any major issues, India opposed its continuation. In its place the India delegation

suggested the setting up of temporary *ad hoc* committees to perform the functions allotted to the Interim Committee. Experience had shown that committees of this kind were useful and their establishment would not raise the argument of encroachment upon the powers of the Security Council.

As the Interim Committee itself did not perform any important or spectacular work after 1949 and ceased to function as an effective body, it did not raise much discussion in official and non-official Indian circles. The status and power of the Interim Committee are not of much significance now. When it met on 17 March 1952 the Committee had nothing on its agenda and, therefore, adjourned *sine die*.

The Indian attitude toward the Committee was pragmatic. At first India supported its establishment with the hope that it would perform some useful, though limited, functions. Later India opposed the extension of its term because experience showed that it was incapable of performing even limited functions and that its existence was another source of discord among the big powers.

THE ACHESON PLAN

The acceptance by the General Assembly in 1950 of the "Uniting for Peace" resolution, popularly known as the Acheson plan, was the result of an attempt on the part of the Western powers to circumvent the veto by what they termed the "strengthening of the General Assembly." This resolution made explicit reference to the powers of the General Assembly in the field of the maintenance of international peace and security. According to the sponsors of the proposal—the United States and six other members—the Charter had granted these powers to the General Assembly by implication.

The events leading to the adoption of this resolution by the General Assembly are worth noting. United Nations action had been possible in Korea in June 1950 only because of the special

circumstances prevailing as the result of the presence of United States troops in Japan and the absence of the Soviet Union from the Security Council. The return of the Soviet delegate, with his power of veto, made it impossible for the Council to take any further decision in regard to Korea. The United States and some of its allies felt that the United Nations should be in a position to take similar action on future occasions, even if the circumstances were somewhat different. The "Uniting for Peace" resolution arose from the desire of the Western powers to make provision for machinery to enable the United Nations to act on such occasions.

The resolution recognized that the failure of the Security Council to exercise its responsibilities for the maintenance of international peace and security did not "deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter" in this field.² Some of the provisions of the resolution were:

- (a) If the Security Council failed to exercise its responsibility for maintaining international peace and security, the Assembly should consider the matter in regular or emergency session with a view to making recommendations to members for collective measures including, when necessary, the use of armed force.
- (b) A Peace Observation Commission should be established to observe and report on the situation in any area where international tension seemed likely to endanger peace and security.
- (c) Member states were invited to survey their resources in order to determine what assistance they could render in support of any recommendations of the Security Council or the General Assembly for the restoration of international peace and security. It was further recommended that each member should maintain within its national armed forces

² General Assembly Resolution 377 (V), 3 Nov. 1950.

elements which could promptly be made available to the United Nations on the recommendation of the Security Council or the General Assembly.

(d) A Collective Measures Committee should be established to study and report to the Security Council and the Assembly on methods which could be used and resources, including armed forces, which could be made available to the United Nations by member states for maintaining international peace and security.

In presenting the plan on 9 October 1950, Mr. Dulles said that the Security Council, because of the frequent use of the veto, had found itself unable to take effective action in the face of threats to international peace, and had also failed to set up an adequate observation system or an international force as provided for in the United Nations Charter. He added:

For five consecutive annual sessions this Assembly has met in an atmosphere of steadily mounting tension.

At first that tension found expression in verbal ideological clashes. Then came threats of violence, then civil wars, then open armed attack with tanks, planes, and all the paraphernalia of a modern war. Many feel that a general war is the next inevitable stage.

The United States does not take that view. But we do recognize that the prevalent fear is a corroding and dangerous force.

Amplifying the arguments put before the Assembly by Secretary of State Acheson, Dulles declared:

The United States delegation does not accept the view that the "responsibility" [for the maintenance of peace] is a monopoly of the few and the great. We believe that an informed world opinion is the most responsible of all the forces that influence the course of human events. The General Assembly more nearly reflects informed world opinion than any other

body. The United States delegation has no fear that, in a moment of gravity, two-thirds of our members will act "irresponsibly". . . .

The Security Council should, of course, have its chance to exercise its primary responsibility to maintain international peace and security. We hope it will perform. But if it fails, then the General Assembly has a duty promptly to consider the situation. The Charter expressly gives it that right . . .³

In reply Mr. Vyshinsky insisted that the "principle of unanimity" in the Security Council constituted the foundation of the United Nations. He asserted that the United States proposals were in many respects a violation of this principle and thus of the Charter and defined the Soviet government's attitude to the four points of the plan as follows:

(a) While not opposing the convening of the General Assembly for emergency sessions, the Soviet Union denied that the Assembly had the power to take action on questions relating to international peace and security for which responsibility lay with the Security Council under the provisions of the Charter. Moreover, emergency sessions should be called by the decision of the Security Council in accordance with the provisions in the Charter.

(b) The Soviet Union agreed to the establishment of a Peace Observation Commission, subject to "the determination of its membership."

(c) It stoutly opposed the proposal that all United Nations members should maintain special units in their own armed forces for service under the United Nations in an emergency, on the ground that under Article 43 of the Charter the Security Council, and through it, the Military Staff Committee, com-

³ United States Department of State *Bulletin*, Vol. XXIII, No. 590 (23 Oct. 1950), pp. 653-54.

posed of representatives of the five great powers, had the right to direct the use of armed forces.

(d) It also opposed the creation of the Collective Measures Committee on the ground that Article 106 provided for consultations among the Big Five for the maintenance of peace, until such time as the special agreements mentioned in Article 43 of the Charter came into effect.⁴

Many legal arguments were raised for and against the proposals. Vyshinsky's point that Article 11 (2) of the Charter forbade any action by the General Assembly to maintain peace and security was based on the last sentence of the paragraph which reads "Any such question on which action is necessary shall be referred to the Security Council by the General Assembly, either before or after discussion." Closely allied to this objection was the point that Article 12 declares that, when the Security Council is exercising its functions in connection with any dispute or situation, the Assembly shall not make any recommendation except at the Council's request.

Those who supported the resolution claimed that the phrase "exercising its functions" in Article 12 was a matter of interpretation. They pointed out that the Security Council was not exercising its functions when it was no longer seized of a question and that any seven members of the Council could determine by a procedural vote (not subject to veto) that the Council had completed its consideration of a matter. The sponsors of the resolution agreed that, if a question requiring "action" were raised, it should be referred by the Assembly to the Council. But if the Council did not make use of its powers, the Assembly could resume consideration and take action, including recommendations to members to use armed force. True, the Charter did not give the Assembly the power to order coercive action, but the Assembly's recommendations would carry some weight. The system of collective security envisaged

⁴ General Assembly, Official Records (G.A.O.R.): 5th Sess., 1st Cttee., 357th Mtg., 10 Oct. 1950, pp. 85-86.

in this resolution is much nearer to the system established by the Covenant of the League of Nations than was intended by the framers of the Charter.

India voted against those provisions of the resolution which emphasized the military role of the United Nations (Sections C and D).⁵ India's views were explained both by the Indian delegates in the General Assembly and by the Prime Minister in a press conference in New Delhi. India considered that it was time to improve the machinery of the United Nations for the tasks of peace rather than war. It was pointed out that the national military units referred to in the resolution would only be made available to the United Nations in accordance with the respective constitutional processes of member states and without prejudice to the exercise of the right of individual and collective self-defense. Indian armed forces were intended only for self-defense, and could not be spared for use outside the country, particularly when there was no indication who the enemy would be. So long as the United Nations took enforcement measures or decided to recommend that the members take collective action against aggression with the concurrence of the big powers, it was clear that such action would not be directed against any of the big powers. According to the "Uniting for Peace" resolution, the Assembly, without the concurrence of the big powers, could make the decision—that is, a large majority of the member states might vote against the wishes of one or more of the big powers. It was feared that any attempt to push through a decision on enforcement measures against the opposition of one or more big powers would disrupt the United Nations; it would not strengthen the General Assembly or any other organ of the Organization.

Nonetheless, the resolution was adopted by the General Assembly by 52 votes to 5 with the Soviet bloc opposed and Argentina and India abstaining. In India it was regretted that with the adoption

⁵ For further discussion of India's position on the "Uniting for Peace" resolution, see pp. 143 ff. below.

of the Acheson plan the character of the United Nations was gradually changing. Pandit Nehru stated in Parliament on 12 June 1952:

Instead of looking upon it as a great organization for peace, some of its members have gradually begun to think of it as an organization through which war can be waged. The original idea behind the formation of the United Nations was vastly different and though its Charter remains, somehow facts began to belie it more and more.⁶

The Study Group in discussing the implications of the "Uniting for Peace" resolution noted that one of the difficulties arose from the fact that today the voting strength of one group of powers in international conferences does not necessarily reflect the military and other resources which that group could make available for the implementation of United Nations decisions. One of the members stated that just because of this situation the United Nations must not be allowed to become an institution incapable of taking action if one major power objected. He felt that the possibility of making some provisions by which the United Nations could act on such occasions should be explored. Other members doubted the wisdom of any provision that would enable the United Nations to act against the wishes of a big power. In their opinion there was no way for the United Nations to meet aggression in the absence of an agreement among the big powers. One member contended that not only the attitude of one single big power, but also the majority decisions of the Council and the Assembly could sometimes be in the immediate interests of one group of powers but contrary to the interests of the international community as a whole. For the United Nations to take action to enforce peace without the concurrence of the big powers was considered as a dangerous step by the Group.

⁶ Government of India, Publications Division, *Jawaharlal Nehru's Speeches 1949-1953* (Delhi, 1954), p. 224.

The possibility of the United Nations taking other action in respect to a breach of the peace, following a big power veto in the Security Council, was then taken up. One of the members suggested a provision which would enable an investigating body to go to the spot, study the situation, and submit a report. He was reluctant to leave the United Nations powerless to act when there was a breach of the peace, but the majority of the members felt that such an investigation would serve no useful purpose.

Some members of the Study Group also questioned the legality of the "Uniting for Peace" resolution; others did not express any view on this matter. Almost all the members were agreed on the opinion that the resolution went against the "spirit," though not perhaps the "letter," of the Charter. To sum up, the majority of the members felt that the "Uniting for Peace" resolution was politically unwise.

UNIVERSALITY OF MEMBERSHIP

The Charter states that the admission of any state to membership in the United Nations "will be effected by a decision of the General Assembly upon the recommendation of the Security Council."⁷ The admission of new members has been an issue on which United Nations discussions have very often reached a deadlock. The applications of the Communist or pro-Communist states (e. g., Hungary, Rumania, Bulgaria, Outer Mongolia, and Albania) were rejected by the United Nations because the majority of members in the Security Council and the General Assembly opposed them. The applications of some non-Communist states like Austria, Ceylon, Finland, Ireland, and Italy, were rejected because the Soviet Union vetoed them in the Security Council.

The Indian view is that the membership of the United Nations must be as universal as possible. The government has opposed the

⁷ Article 4, paragraph 2.

stand taken by some powers which support only the admission of those states with political systems of which they approve. Indian delegates have very often told the members of the General Assembly that the United Nations should not be an exclusive club of like-minded nations, but should reflect the world as it is.

This does not, however, imply support for the view that every applicant should be automatically admitted to membership in the United Nations. India has favored strict adherence to the qualifications for membership as laid down in the Charter and feels that the majority of members, including the Big Five, should pass judgment on the question whether a particular applicant is peace-loving or not. In this connection, India was not in favor of granting membership to Fascist states like Spain.

On the issue of the procedure for admitting new members, some United Nations members have contended that the General Assembly should be able to admit a state even if the Security Council has not supported its application. India was in agreement with the view expressed by the International Court of Justice that the General Assembly could not do so.

The Indian government has favored strict application of the Charter provisions concerning the procedure for the admission of new members, even when this meant that some applicants (for instance, Ceylon and Ireland) which India enthusiastically supported were denied membership. India realized that ultimately this problem, like many others, could be solved only through an understanding among the big powers.

In the opinion of the Study Group the veto must be retained on the question of admission of new members. It was pointed out that in the world as it is constituted today, one power bloc with a command over the majority of the members would, in the absence of the veto, be in a position to pack the United Nations with its friends. The Group considered ways by which an impartial scrutiny of the qualifications of each applicant could be carried out, but failed to reach an agreement on this matter. The preponderant

view was that despite the deadlock which was likely to occur, the veto must be retained in this field.

The Group tried to suggest a solution to the immediate problem of dealing with existing applications. It noted that there was something to be said in favor of an agreement among the big powers to approve the applications of those states which had been supported at one time or other by a large number of United Nations members. The Group noted that Secretary-General Lie had once suggested the simultaneous admission of the then pending applicants and that Asian states including India and Pakistan had supported proposals along similar lines which even some European states like the United Kingdom and France had not opposed. The Group expressed the hope that the big powers would come to an agreement more or less on these lines.⁸

One of the members of the Study Group suggested the possibility of having two categories of United Nations members—voting and non-voting members. According to his suggestions, all states having the support of the majority of the existing members would become non-voting members of the organization and when they received the unanimous support of the big powers, they would become voting members as well. Other members pointed out the practical difficulty of implementing any such proposal. For one thing, very few states would like to come into the United Nations branded as “inferior.” Moreover, if the admission of associate members was not to be subject to the veto, the non-Communist applicants would be admitted but a large majority of members, under the influence of the Western powers, would continue to object to the admission of the Communist states. The consensus of opinion in the Study Group was that the creation of a separate group of associate members would not solve the problem.

⁸ This, more or less, is the basis upon which the deadlock on the issue of admission of new members was finally broken at the 1955 session of the General Assembly when agreement was reached on the admission of Albania, Austria, Bulgaria, Cambodia, Ceylon, Finland, Hungary, Ireland, Italy, Jordan, Laos, Libya, Nepal, Portugal, Rumania, and Spain.

WITHDRAWAL FROM MEMBERSHIP

The Study Group also examined the question of including in the Charter provision for withdrawal from the Organization. It was pointed out that the question of secession has been raised with regard to many federations. The United Nations, however, is not a federation as members retain their sovereignty. Still, the right to secede might be raised in the future. One of the members pointed out that secession from a federation more or less means a complete break with it, while this is not so with the United Nations since its most important function—maintaining peace and security in the world—concerns the whole world and not just member states.

Furthermore, membership in the United Nations entails only very limited obligations and there is insufficient justification for permitting a member the right to refuse to fulfil these limited obligations, especially since the interests of the international community as a whole are involved. One of the members then raised the question: "Why should not a state which has entered into a treaty say, I should now like to withdraw?" Another member replied: "The only answer is that you have entered an organization which makes no provision for withdrawal."

The view most prevalent among the members of the Group was that it was undesirable to include provision for secession in the Charter, for the very existence of such a provision might encourage some members to take advantage of it.

REGIONAL AGENCIES

Article 53 of the United Nations Charter states that "the Security Council shall, where appropriate, utilize . . . regional arrangements or agencies for enforcement action under its authority." It also states that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council" There has not been much discussion in

official and non-official circles in India about regional agencies and their relations with the United Nations. The Study Group did not discuss the matter at length. It was not considered necessary to give a definition of the term "regional arrangements," nor did the Study Group feel that there should be any provision in the Charter or elsewhere for the recognition of the status of such agencies by any particular organ of the United Nations in order that the United Nations could co-operate with them on some specific matters.

ORGANIZATION OF COLLECTIVE SELF-DEFENSE

The organization of collective self-defense under Article 51 of the Charter has led to much more controversy than regional arrangements under Chapter VIII. The general Indian view is that the establishment of organizations for collective self-defense, even within the framework of the Charter, only leads to the consolidation of power blocs. India is not a party to any military pact and has shown no enthusiasm to organize or join one. On the contrary, the Indian government and the people have expressed their disapproval of the action taken by other powers to organize a Middle East defense organization and recently they have vigorously criticized the United States decision to give military aid to Pakistan. It can be safely stated that India is opposed to the conclusion of any military pacts by neighboring countries which would automatically involve them in the "cold war." However, India recognizes the right of other powers to establish organizations for collective self-defense of their own choosing.

The Study Group examined in some detail the questions connected with the establishment of organizations for collective self-defense. The first question raised was whether Article 51 of the Charter gives members the right to prepare for collective self-defense or whether it permits them to take collective action only if and when an armed attack occurs. One of the members of the Study Group

stated that the Charter did not envisage advance preparation for collective self-defense: thus the words "if an armed attack occurs" in Article 51 meant "after the attack had occurred." Against this view it was contended that the community of nations, devoted to peace, which the San Francisco Conference had presupposed, was not yet a reality and that under modern conditions of warfare the right of collective self-defense would be illusory unless there was the right to prepare in advance for collective self-defense. The members holding this view stated that in examining the question one had to look to the spirit of the Charter, which granted the right of collective self-defense. One of the basic assumptions of the Charter was the sovereign equality of all member states and the right of each member to prepare itself for self-defense. The states had accepted the Charter only on this basis.

The majority view in the Group was that, in accordance with the spirit of the Charter, no objection could be taken to preparations by member states for collective self-defense. However, the Group noted that Article 51 was based on a set of circumstances which did not exist today.

The Group did not raise any objection in principle to the formation of organizations like the North Atlantic Treaty Organization (NATO). But attempts, by some influential people in the West, to extend the responsibilities of NATO to the overseas territories of certain of its members have been very unpopular in India. It is feared that such a step, or the establishment of another organization for collective action covering dependent territories under the control of Western powers, will make it impossible for any dependent territory to achieve freedom. Instead of facing only the single colonial power in control of the dependent territory, the movement for freedom would come into conflict with the organized and co-ordinated might of all the Atlantic powers.

Pandit Nehru gave expression to the general Indian view on this matter when, during a speech in the Indian Parliament on 12 June 1952, he made the following comment on NATO:

It began as a pact for defence against aggression but it has apparently widened its scope and taken upon itself the defence of the colonial possessions of the nations concerned. That so far as we are concerned, is a very serious matter. It means that certain countries must give assurances whether formal or informal, that they will protect and maintain colonial rule wherever it exists. We are, as you know, unalterably opposed to colonial rule wherever it exists.⁹

THE INTERNATIONAL SECRETARIAT

The question of the manner of the appointment of the Secretary-General has not attracted much attention in India. The Indian Study Group went into the question but did not suggest any modification in the existing procedure.

Slightly more interest was shown in India concerning the initiative the first Secretary-General displayed in regard to various matters. The United Nations Secretariat, quite unlike that of the League of Nations, has been given the status of a principal organ of the Organization. Furthermore, the Secretary-General has political functions and the first Secretary-General showed some initiative in exercising these functions. A few of the issues on which his actions created some controversy were: the recommendation that after partition India should automatically retain the charter membership in the United Nations of undivided India; the suggestion for the creation of a committee of experts to assist in the implementation of Article 73 (e); the representation of China in the United Nations after the establishment of the new government in that country; United Nations action in Korea. Through his annual reports, by the help given in drafting resolutions and in drawing up the agenda of meetings, and by his intervention during discussions on many issues, the Secretary-General has very often contributed to the making of policy. In India no one questions the right of the

⁹ *Jawaharlal Nehru's Speeches 1949-1953, op. cit.*, p. 224.

Secretary-General to act in this way. The Study Group welcomed these actions and considered them to be a very healthy development.

The Study Group, like the government of India, were not so sure of the propriety of the first Secretary-General's personnel policy. It was felt that this policy raised some basic questions concerning the international character of the Secretariat.

In the Indian government's view, the choice has always been between the concept of "a truly international secretariat and the rejected concept¹⁰ of a multinational secretariat in which the nationals of each country are appointed with the consent of that country's government and retained in employment subject to its approval."¹¹ India feared that, if the second of these concepts were adopted, the employees of the United Nations would look to the interests of their respective governments rather than to the interests of the United Nations as a whole. Such a patchwork of national loyalties would make it impossible to administer the United Nations in accordance with the Charter.

It was on the basis of these principles that India examined the report on personnel policy which the Secretary-General presented to the seventh session of the General Assembly. The Indian delegate expressed the view that close examination revealed that the Secretary-General had introduced a new consideration among the criteria governing recruitment and employment in the Secretariat, which was not included in either the Staff Rules or the Charter. This was the principle of the "host country," in accordance with which it was maintained that United States nationals at United Nations headquarters should be accepted or retained in employment on the basis of the security standards which the United States applied for employment in its own government. It was submitted by those

¹⁰ The Dumbarton Oaks draft of the Charter did not exclude, although it did not stipulate, the concept of a multinational Secretariat. However, the concept of a multinational Secretariat was rejected at San Francisco and the fully international character of the Secretariat explicitly provided for in Article 100 of the Charter.

¹¹ G.A.O.R., 7th Sess., 416th Plenary Mtg., 28 March 1953, p. 567.

who put forward this principle that it would apply to the nationals of the host country only. The Indian delegate said:

In our opinion, . . . this principle of the "host country" seems to be of doubtful validity A national of country "X" could be employed in country "Y" and perhaps perform his functions satisfactorily; nonetheless, if he is transferred to a United Nations organisation in his own country, he may have to be dismissed according to the "host country" principle.

He pointed out other flaws in this principle:

. . . it would appear that the United States Government itself has not accepted all the consequences of the "host country" principle, since it is, we understand, subjecting United States nationals in specialised agencies outside the United States to the same security standards it applies to United States nationals at United Nations Headquarters in New York. For example, the United Nations Educational, Scientific and Cultural Organization is located at Paris, the Food and Agriculture Organization at Rome, and World Health Organization and International Labour Organisation at Geneva. The respective host countries of these agencies, therefore, are France, Italy and Switzerland, and it is the nationals of these countries who . . . are presumably liable to the application of the "host country" principle.

However, there is no evidence that these countries wish to make use of this theory and so far it seems that only the United States has found it necessary to apply security standards for the employment of its nationals in these agencies

The host country concept . . . results in according a rather special type of treatment to the nationals of one particular country.¹²

India rejected the application of this new principle to the recruitment and retention of various nationals in the Secretariat and emphasized the importance of maintaining its international character.

¹² *Ibid.*, pp. 566-67.

When the Study Group discussed this problem, the view was expressed that the first Secretary-General had yielded too much to American pressure in terminating the services of many Americans without sufficient reasons and that the effect of such actions was unfavorable to the morale of the staff. The members of the Study Group had no doubt that the country in which United Nations offices were situated had every right to insist that its nationals on the United Nations staff should not engage in subversive activities. But they felt that a new situation arose when some Americans began to demand the dismissal of those whom they considered "potentially" subversive. They considered this a very dangerous step, because any person suspected by those who were in power at a particular moment could be dismissed on such grounds.

In regard to this matter, the Group noted the difficulty that might arise from a change of government in a particular state. A new government might maintain that it considered subversive those of its nationals in the United Nations Secretariat who had been approved by the previous government. The Group felt that, taking these factors into consideration, action should be taken against a particular employee only after he had been found guilty of subversive activity.

The Group was of the opinion that the Secretary-General should have effective control over the staff, subject to the limits that the Assembly, or one of its committees, might prescribe. As far as the morale and efficiency of the staff were concerned, it was felt that pending the development of good conventions and an international civil service of some standing, much would depend upon the incumbent holding the office of Secretary-General.

CHINA'S REPRESENTATION IN THE UNITED NATIONS

The People's Republic of China formally came into existence on 1 October 1949. This was followed by a controversy in the United Nations regarding Chinese representation. On 8 January 1950, the

Foreign Minister of the Chinese People's Republic sent a cablegram to the governments represented on the Security Council informing them that the presence of the Kuomintang delegation in the United Nations was illegal and that its representative should be expelled. Two days later the Soviet Union submitted a draft resolution calling upon the Council not to recognize the credentials of the representative of the Chinese Nationalist government and to exclude him from the Council. India had granted recognition to the People's Republic of China on 30 December 1949 and the Indian representative in the Security Council supported the Soviet proposal but did not participate in the discussion. The draft resolution was defeated by a vote of six against, three in favor (the Soviet Union, India, and Yugoslavia), with two abstentions (Norway and the United Kingdom). The Soviet delegate walked out of the Security Council's meeting in protest at the decision.

Shortly thereafter the Indian delegate suggested that the provisional rules of procedure of the Security Council concerning representation and credentials be amended. On 28 February the Council accepted an amendment providing that the credentials of representatives to the United Nations should be issued by the head of the state of the government concerned or by its Minister of Foreign Affairs. Regarding the establishment of a uniform procedure to be followed by all organs of the United Nations, the majority in the Security Council was of the opinion that the General Assembly was the proper organ to initiate a study and seek uniformity and coordination with regard to the procedure governing representation and credentials.

The problem of China's representation was not one that could be solved by the establishment of a procedure. The United States government expressed the view that the United Nations should reach its decision concerning China's seat in the United Nations on the merits of the competing claims. Secretary Acheson stated in a letter to Nehru on 18 July 1950: "I know you will agree that the decision should not be dictated by unlawful aggression or by other conduct which would subject the U.N. to coercion and

duress.”¹³ Acheson had in mind the Soviet attempt to bring pressure on the Security Council by a walk out and the subsequent North Korean invasion of South Korea. When China intervened in the Korean War, the United States gave considerable emphasis to this argument. “No Government must be allowed to shoot its way into the United Nations,” was the declared view. Those who agreed with the United States were of the opinion that, in granting a government the right of representation in the United Nations, not only its capacity but also its willingness to fulfil international obligations must be taken into consideration.

India felt that the new Chinese government must be seated in the United Nations. When the Indian government failed to get sufficient support for this view in the Security Council, it decided to bring the issue before the General Assembly. As soon as the fifth session convened on 19 September 1950, the Indian delegate introduced a draft resolution which stated that “the Central Government of the People’s Republic of China is the only . . . government functioning in the Republic of China, as now constituted.” The Assembly was asked to decide that this government should be entitled to represent the Republic of China in the General Assembly and to “recommend that the other organs of the United Nations adopt similar resolutions.”¹⁴

The Indian delegate said that China had certain obligations to fulfil as a member of the United Nations and a permanent member of the Security Council. To carry out these obligations, the government representing China must have effective control over the territory and people of China. It is the new government that could discharge China’s duties and obligations under the Charter. The Indian delegate asked: “How can we require the fulfilment of these obligations and yet deny that Government its right under the

¹³ United States Department of State *Bulletin*, Vol. XXIII, No. 578 (31 July 1950), pp. 170-71.

¹⁴ G.A.O.R., 5th Sess., 277th Plenary Mtg., 19 Sept. 1950, p. 2.

Charter, one of which is the right to be represented in the United Nations?"¹⁵

The Indian representative also said that he would confine himself to considerations dictated by common sense and indisputable general principles of law. The factors to be considered must be whether the new government was sufficiently stable, exercised effective authority over the territory, and was obeyed by the majority of the population. These were questions of fact and should be decided by the General Assembly. If a government met these criteria, it was entitled to be recognized by the United Nations. If it should be later established that the government in question was violating the provisions of the Charter, and failing to observe human rights and fundamental freedoms, then the Assembly could act in accordance with the steps laid down in the Charter.

The Indian proposal was rejected. Later in the session, however, the General Assembly adopted a resolution on the general question of representation of a member state in the United Nations. It recommended that if a controversy arose between two claimant governments, the question should be considered by the General Assembly or its Interim Committee "in the light of the Purposes and Principles of the Charter and the circumstances of each case."¹⁶ India abstained from voting as it was felt that the Interim Committee was not competent to tackle such an issue.

The members of the Study Group strongly favored giving the new Chinese government representation in the United Nations. They held the view that keeping China out of the United Nations would not be conducive to peace. One of the members stated that when the existing government of a country is overthrown, one has to draw a distinction between external interference and internal revolt. During the Second World War a large number of governments were driven out of their countries and functioned as governments-

¹⁵ *Ibid.*, p. 9.

¹⁶ General Assembly Resolution 396 (V), 14 Dec. 1950.

in-exile. However, one has to remember that these governments were thrown out by foreign invaders and that the Allies considered it their duty to re-establish them in power. This is not the case in China. At least in the Indian view the new government has come to stay.

The view popular in India is that the world community must now admit the new government of China into its fold. Many of the members of the Study Group supported the Indian government's view on this matter. The obligations of United Nations membership can be carried out only by a government that has a reasonable expectancy of permanence and actually exercises control over the territory and commands the obedience of its people. India considers it unrealistic for any United Nations organ to discuss disarmament proposals without the participation of the representatives of the new regime of China which controls a very large army. The same situation exists in regard to the United Nations tackling other vital issues in the international field.

THE PRESS AND PUBLIC OPINION

It is often said that the Indian public, and to a great extent the press, follow rather than lead the Indian government in the formulation of the basic principles of India's foreign policy. This is particularly true on the Indian attitude toward the organization and structure of the United Nations.

The attempt to strengthen the powers of the General Assembly in the field of security, and thus indirectly make the Security Council less important than it is now, is not very popular in India for various reasons. For one thing, it is widely believed that the Assembly itself suffers from some inherent defects. The tendency for some groups to solidify into blocs is one of them. Although there is technically no veto in the Assembly, the practice of bloc voting and the fact that one of the blocs has constituted almost one-third of the United Nations membership has been significant. Such a

bloc has needed only very slight reinforcement to command enough votes in the Assembly to defeat any resolution on which a two-thirds majority was necessary.

This fact was brought home to India when the General Assembly decided in 1953 to exclude India from participating in the political conference on Korea. The proposal for the inclusion of India was supported by twenty-seven states with a population of 550 millions, but it did not get the necessary two-thirds majority because it was opposed by the United States and twenty other members, including most of the Latin American states and the Formosa government. Commenting on this, the New York correspondent of *The Hindu* (Madras) wrote on 30 August 1953:

This brought into sharp focus the fact that the Latin American bloc constitutes the only veto in the General Assembly, which, under the Charter, is otherwise veto-free. The U.S., with 19 Latin Americans, can block any proposal in the Assembly and yesterday she made it plain that she won't hesitate to resort to it to get her way.

The Indian press has often questioned the representative character of the General Assembly and its right to make major decisions on war and peace. Other objections have been advanced to proposals emphasizing the role of the General Assembly in the field of the maintenance of international peace and security. The view is very often expressed that the necessity for the co-operation of the Soviet Union in the maintenance of international peace cannot and ought not to be overlooked. In this vein, the *National Herald* (Lucknow) commented as follows on the Acheson plan:

The forces earmarked by the Member States for use by the U.N. will not be at the disposal of the U.N. but at the disposal of the dominant bloc. This is what Prime Minister Nehru meant by saying that the Acheson plan seemed to be an attempt to convert the United Nations into a larger edition of the Atlantic Pact.

Similar views were also expressed by other newspapers. The *Hitavada* (Nagpur) wrote on 20 October 1950:

The United Nations, for all we know, is a show by the U.S. and Russia justifiably resents it. In fact America is so jealous of preserving its dominance in the U.N. that she is even now not prepared to admit the Peking Government into its folds in utter disregard of facts.

Indignation over the refusal to give representation to the new government of China in the United Nations was again and again expressed in the Indian press. The *National Standard* even questioned the claims of the United Nations to be considered as an organization with world-wide responsibility. It wrote on 16 January 1951: "America deprived the U.N. of its moral claims to enforce its directive by her obstinate refusal to buy peace through the concession of Red China's claims on Formosa and for the seat in the Security Council." The *National Herald* on 20 September 1950 wrote: "As Jawaharlal Nehru has said the exclusion from the world organisation of a country of China's size constitutes a danger to peace since it weakens that organisation." The *Statesman* (Delhi), which is considered as a pro-Western and conservative newspaper, wrote on 16 September 1950:

Perhaps it is not realised that what other nations tend to regard as the unrealistic obstinacy of the U.S. on the China question is prejudicing her relations, not with China only, but with other Asian countries and lessening the authority of the U.N. The Security Council as at present constituted represents neither the facts of world power, as was intended, nor (it now seems clear) the wishes of the majority of members. How it can successfully champion democratic causes if it is not itself democratically constituted is a question which is likely to be asked as time goes on.

The constitution of the Collective Measures Committee under the auspices of the General Assembly was very vigorously opposed by the Indian press. The General Assembly resolution, branding

China an aggressor,¹⁷ was also strongly criticized on the ground that its adoption, though with the support of a majority, would not be conducive to the maintenance of peace in the world. In all these developments Indians saw the United Nations changing its character and becoming the executive agent of an anti-Communist bloc. The conversion of the United Nations from the status of a world organization to an instrument of one bloc of nations was considered as a negation of the United Nations Charter. The following are some of the press comments on the subject:

The *Times of India* (Bombay) on 2 February 1951 wrote: "If the Collective Measures Committee recommended any sanctions against China at any stage, it will start a chain of disastrous developments which can only end in general conflagration."

The *Tribune* (Ambala) of 5 January 1951 commented:

In the name of peace, security and resistance to aggression we are seeking to undermine the very foundations of the organisation—which we have established to preserve peace. No one accepts that the existing machinery for maintaining peace is perfect. But the constitution of the U.N. must be amended by common agreement but not in a manner which destroys the entire basis on which it is founded. During the last few months, the General Assembly has passed a number of resolutions taking upon itself the responsibility of enforcing peace, which properly belongs to the Security Council. In branding Communist China as an aggressor and in calling upon the Collective Measures Committee to devise plans to take sanctions against her, the General Assembly has not only exceeded its competence but it has also done the worst possible harm to the very cause it professes to serve.

Others expressed similar views. For instance, more than a hundred teachers of the Delhi University and its constituent colleges adopted a resolution in February 1951 which criticized the General Assembly's resolution branding China an aggressor in Korea and expressed

¹⁷ For further discussion on this resolution, see pp. 149 ff. below.

regret that the United Nations should have acted in a manner which is hostile to peace and frustrated the peace efforts of some member states. The teachers also felt that new China was justified in suspecting the movement of foreign and unfriendly troops toward its frontiers and in taking proper action to defend its frontiers.¹⁸

In regard to this problem, as in regard to others, there is in India what one could call a minority view. A few examples may be cited here. The *Bombay Chronicle* wrote on 3 February 1951:

The need of the day is the establishment of collective security and not the pursuit of peace. Everything that can be done should be done to convince the Americans that the upholding of the U.N. is the paramount concern of all the free nations and it was not to be left to them alone to bear the burden of resisting aggression and maintaining international law.

A few others also welcomed the "Uniting for Peace" resolution because it bypassed to some extent the veto provisions in the Charter. They held the view that it was preposterous that a single great nation should have the power to paralyze the machinery of the United Nations for the maintenance of peace. Taking this stand, *Indian Finance* (Calcutta,) wrote on 14 October 1950: "The suggestion requiring member nations to keep armed forces ready for use in any crisis is also justified in the light of the Korean war."

There was also some enthusiasm for giving greater responsibility to the small nations in this matter and thus placing them more or less on a par with the big powers. Among the powerful advocates of this view are the leaders of the Indian Socialist party. Their journal, *Janata*, in its issue of 30 August 1953, contained the following comment:

The Security Council veto is wrong not only because it makes the decision in crucial cases impossible but also because

¹⁸ See *Times of India* (Bombay), 4 Feb. 1952.

it sanctions [an] international caste system. If the Big Powers are given [a] preponderant voice in the General Assembly some decisions would, at least theoretically, always emerge but the caste system will be as well entrenched as previously. . . . For some time the Big Powers may succeed in dividing the spoils, though even that is doubtful under modern conditions. But sooner or later they are bound to conflict and the whole fabric of international authority would then be jeopardised. At any rate the other powers would refuse to accept any scheme whereby they are permanently accorded an inferior status. Further, if economic or military strength is a passport to higher status there is no reason why every nation should not strive for it, at least under the philosophy of the advantages of a competitive system so dear to the American way of life. World Government to be successful must be based on the status of equality for all, irrespective of economic or military strength. Any other arrangement would be to pay an homage to [the] now thoroughly discredited doctrine of the survival of the fittest.

As we noted this is a minority view. So are the views expressed by the Indian Communists who advocate more or less unconditional support for the Soviet Union in the international field.

Dependent Territories and the United Nations

The concept of international responsibility toward dependent areas is not new. During the nineteenth century it met with approval in various quarters and had some influence on international treaties. For example, treaties signed at Berlin in 1885 and Brussels in 1890 provided, among other things, for the suppression of the slave trade and for the restriction of the traffic in fire arms, ammunition, and spirituous liquor with respect to certain areas in Africa. In the twentieth century, with the growth of international organizations, international responsibility for the dependent peoples was institutionalized in various ways. The League of Nations, as an organization, did not take responsibility in regard to all the dependent territories, although under Article 23 of the Covenant the members pledged themselves "to undertake to secure just treatment of the native inhabitants of territories under their control." The most important innovation in this field was the provision in the League

Covenant that certain territories detached from enemy states as a result of the First World War should be given a special status as "mandates" and placed under international supervision. Even though limited in its direct application to fourteen territories formerly under German and Turkish rule, the mandates system was a step forward in increasing international responsibility for the peoples of dependent territories.

The United Nations Secretariat sums up the further evolution of the concept of international responsibility as follows:

During the Second World War, the need for a clearer statement of responsibilities gained greater recognition. In 1941, the Atlantic Charter expressed international concern for the well-being of "all the men in all the lands". Although in 1944 the Dumbarton Oaks Proposals for the future international organization made no mention of dependent countries, it was agreed at Yalta in February 1945 that the United Nations Conference on International Organization to be convened in San Francisco on April 25, 1945, should undertake discussions on the principles and machinery of Trusteeship. The development of general principles, which seemed originally intended to apply only to Territories brought under the International Trusteeship System, was extended by the San Francisco Conference to apply to other dependent territories as well. A distinction had to be made between the future Trust Territories and other dependent territories, however, as the application of the Trusteeship System to all non-self-governing areas was opposed. Thus, Chapters XII and XIII of the Charter relate to the Trusteeship System and define the comparatively broad supervisory functions exercised by the United Nations over the administration of only those Territories which were placed under the System. Though more limited, Chapter XI of the Charter, entitled "Declaration Regarding Non-Self-Governing Territories", marks the first international declaration of principles for all dependent territories of the world.¹

¹ United Nations Doc. ST/DPI/SER.A/73, 6 Jan. 1953, *Non-Self-Governing Territories* (Background Paper No. 73), pp. 3-4.

There are few matters that have come before the United Nations in which India has taken as much interest as the freedom of dependent territories and the United Nations role in their administration. Many in India, including the leaders of the government, feel that the attainment of independence by India was not an isolated phenomenon, but is symbolic of the political awakening of the people of the East. They also consider that the right India gained to be represented as a sovereign state in international conferences has the corresponding obligation of championing the cause of those people who are still not free. India's representatives have continuously stressed the point that sovereignty everywhere should ultimately rest in the people of the country and that all possible steps should be taken to grant freedom to those who are not free. But if, for some reason, the granting of immediate independence is not feasible for some territories, India has had no objection to their being placed under United Nations trusteeship for a limited period.

THE TRUSTEESHIP SYSTEM

Chapters XII and XIII of the Charter envisage the creation of a special international trusteeship system for certain territories. The territories which the Charter singles out for such treatment include those held under mandate from the League of Nations, those which might be detached from enemy states as a result of the Second World War, and those voluntarily placed under the system by states responsible for their administration. Some of the basic objectives of the trusteeship system are: to further international peace and security; to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and to promote their progressive development toward self-government or independence as may be appropriate to the particular circumstances of each territory; to encourage respect for human rights in the territories; and to ensure equal treatment

therein for all members of the United Nations in social, economic, and commercial matters. The Charter provisions are comparable to the provisions concerning the mandate system in the League of Nations Covenant insofar as they accept the principle of international supervision of the administration of the territories concerned. But the objectives of the Charter go far beyond those of the Covenant, and the authority of the United Nations in trust territories is greater than was that of the League in the mandated territories.

The functions of the United Nations with regard to the trusteeship system are vested in the General Assembly and, under its authority, the Trusteeship Council. However, there is an exception: the Charter provides that a trust territory or any part thereof may be designated a "strategic area" and functions of the United Nations with regard to these areas are to be exercised by the Security Council, in which the five permanent members have the right of veto.²

The Trusteeship Council is composed of (1) members administering trust areas, (2) the five permanent members of the Security Council, and (3) as many other members elected for three-year terms by the General Assembly as may be necessary to ensure that there are an equal number of administering and non-administering powers. Thus the Trusteeship Council, a principal organ—some of whose members are elected by the General Assembly—has greater prestige than the Permanent Mandates Commission of the League which was merely an expert body.

Some of the functions of the United Nations in regard to trust territories are: to consider the annual reports of the administering powers, to accept petitions and examine them in consultation with the administering authorities, and to provide for periodic visits to the trust territories. It might be noted that the Charter, unlike the

² The respective roles of the Security Council and the Trusteeship Council in regard to "strategic" areas under trusteeship have been the subject of some controversy.

Covenant, makes provision for the receipt and examination of petitions or statements of grievance. Although the Council of the League adopted a procedure in 1920 for the receipt of petitions by the Permanent Mandates Commission, it was not as liberal as that of the United Nations.

India has definite views on the question of the United Nations role in trust territories and specifically on the functions and powers of the Trusteeship Council. India's general approach has been based on the following considerations: (1) the United Nations must have the ultimate power to supervise the administration of the trust territories, and the administering powers should act only as the agents of the United Nations; (2) early steps should be taken to grant complete self-government to the people of the territories; (3) no form of racial discrimination should be practiced in the territories; (4) the terms of the trusteeship agreements and of the Charter should be observed by the administering powers in a broad and liberal spirit.

When the draft trusteeship agreements were considered at the second part of the first session of the General Assembly in 1946, India submitted various amendments which were designed to circumscribe the authority of the administering states in the trust territories. One such amendment provided for the inclusion in all agreements of the following clause:

The Administering Authority shall administer the Trust Territory on behalf of and solely for the benefit and in the interest of its people, and on the termination of the Trusteeship, all the powers of the Authority shall cease and it shall surrender the Territories together with all public property then existing whether movable or immovable, to the people, whose sovereignty and whose right to self-government or independence shall always be recognised.³

³ General Assembly, Official Records (G.A.O.R.): 1st Sess., 2nd Part, 4th Cttee., Part II (Records of Meetings of Sub-Committee I), Annex 15, p. 284.

Another modification which India supported sought to limit the power of the administering authorities to establish military bases, construct fortifications, and maintain armed forces in the territories without the permission of the Security Council. Other Indian amendments included the following: that nationals of the member states of the United Nations should enjoy in the trust territory the same rights as nationals of the administering authority;⁴ that the agreement should be valid for a specified period at the end of which it could be reviewed and revised at the discretion of the Trusteeship Council; and that each agreement specify that at the end of a stated period the territory become independent or fully self-governing. Although some of these modifications were approved by the Fourth Committee, practically all were rejected by the administering powers and, therefore, not included in the final texts of the trusteeship agreements.

In subsequent sessions of the General Assembly, India continued its attempts to safeguard the interests of the peoples of the trust territories and to enable them to achieve independence or self-government at an early date.

In 1947 the Indian delegate submitted specific proposals for revision of the Trusteeship Council's questionnaire in order to determine whether racial discrimination existed in the trust territories and whether the administering powers discriminated among various races in regard to immigration. The General Assembly noted these suggestions and transmitted them to the Trusteeship Council for its consideration. During the discussions in the Assembly in 1948 the Indian delegate referred to the lack of adequate educational and medical facilities in the trust territories, and to the progressive reduction of land available to the indigenous population in some of them.

⁴ A similar provision had been in effect with regard to Class "B" mandates under the League of Nations system. The Indian amendment on this point related to only some of the draft trusteeship agreements: Tanganyika, British Cameroons, British Togoland, New Guinea, and Western Samoa.

When the Trusteeship Council's report was being considered by the General Assembly in 1949, the representative of India stressed, in general, the primary importance of the political advancement of trust territories and, in particular, the need for a practical and expeditious method of dealing with petitions from individuals or public bodies in these territories. He noted with satisfaction the work of the United Nations visiting missions and suggested that such missions include among their members nations like India and Pakistan, which were for years under colonial administration. He also suggested that the reports of such missions would gain in value if a special section were devoted specifically to describing the steps toward self-government which were being introduced in the territories concerned. The General Assembly subsequently adopted a resolution based upon a joint proposal of India, Canada, and Egypt which recommended that the Trusteeship Council take measures to expedite its examination and disposal of petitions; and that it direct its visiting missions to report specifically on steps taken toward self-government.

In subsequent sessions India continued to put forward and to support proposals to advance the interests of the peoples of the trust areas. In 1951 India, Cuba, Ecuador, and Egypt submitted a joint draft resolution recommending that the Trusteeship Council consider means of associating the representatives of the indigenous inhabitants of the trust territories in the work of the Council, particularly in the examination of the annual reports. An amended version of the proposal was adopted by the Assembly.

Administrative Unions: One of the most complex problems which has come before the United Nations in connection with the trust territories concerns "administrative unions"—the practice of uniting trust territories for administrative convenience with other territories. To some extent this problem arose from the wording of the trusteeship agreements themselves. The terms of many agreements permitted the establishment of customs, fiscal, or administrative unions or federations and also authorized the administering power to administer

a trust territory as an "integral part" of its own territory.⁵ During the consideration of the draft trusteeship agreements in 1946 the delegations of Australia, Belgium, France, and the United Kingdom gave assurances that they did not consider that the above-mentioned provisions empowered them to establish any form of political association between the trust territories and adjacent territories which would in any sense involve the annexation of the trust territories or have the effect of extinguishing their special status as trust territories. India opposed these provisions at that time and suggested qualifying amendments. These were rejected, however, and the Indian delegate voted against the agreements, stating that he was obliged to do so because they did not conform to the Charter.

India held very strong views on this matter. During the third session of the General Assembly in 1948, the Indian delegate suggested a special study by the Trusteeship Council with a view to formulating adequate safeguards and conditions under which such administrative unions could be brought about in accordance with the freely expressed wishes of the inhabitants of the area. The Indian delegate also said that the formation of administrative unions should not alter in any way the character of the trust territory or reduce the possibility of supervision by the Trusteeship Council. India also maintained that the administering power should consult with the Trusteeship Council prior to establishing, modifying, or extending an administrative union of a trust territory and an adjacent area.

The resolution, which was finally adopted by the Assembly after lengthy debates, recommended that the Trusteeship Council should investigate the administrative unions already constituted or proposed, recommend such safeguards as might be deemed necessary to preserve the distinct political status of trust territories, and, whenever

⁵ The trusteeship agreements for the British and French Cameroons, British and French Togoland, Ruanda-Urundi, New Guinea, and Tanganyika contain "administrative union" clauses; all of these, except Tanganyika, also contain an "integral part" clause.

appropriate, request an advisory opinion of the International Court of Justice as to whether such unions were within the scope of, and compatible with, the stipulations of the Charter and the terms of the trusteeship agreements as approved by the General Assembly.⁶

When the report of the Trusteeship Council on this matter was considered by the General Assembly in 1949, the Indian delegate pointed out that the steps taken in the direction of forming administrative unions in the British Cameroons and Tanganyika, and the incorporation of the French Cameroons and Togoland in the French Union in 1946, indicated a policy which was in some respects diametrically opposed to the principle of maintaining the identity and separate political existence of trust territories.⁷ He drew attention to the situation in Tanganyika, where the formation of the union had adversely affected the economic condition of the people, and had been carried out against the wishes and without the consent of the people's representatives.

India was one of the members of the sub-committee on administrative unions set up at the 1949 Assembly session. This sub-committee recommended that the Assembly should adopt a resolution requesting the Trusteeship Council to complete its examination of administrative unions affecting trust territories. Among the principles and criteria to which it was felt the Council should pay particular attention were: (1) that the administering authorities continue to transmit to the Trusteeship Council as complete information as possible concerning the operation of administrative unions affecting trust territories under their administration; (2) that the administering authorities take into account the freely expressed wishes of the inhabitants before establishing or extending the scope of administrative unions; (3) that the administering authorities consult with

⁶ General Assembly Resolution 224 (III), 18 Nov. 1948.

⁷ He specifically drew attention to Article 60 of the Constitution of the French Republic of 27 October 1946; the Nigeria (Protectorate and Cameroons) Order in Council No. 1352 of 21 August 1946; and the East Africa (High Commission) Order in Council of 1947. G.A.O.R., 4th Sess., 4th Ctte., 105th Mtg., 21 Oct. 1949, p. 75.

the Trusteeship Council concerning any change in or extension of existing administrative unions or any proposal to establish new administrative unions.

A resolution embodying these and other principles was adopted by the Assembly.⁸ India's vigorous support for this resolution is indicative of its attitude toward the question. It is feared that without adequate safeguards the incorporation of a trust territory in an administrative union will hinder the United Nations in the performance of its functions because of the difficulty in getting clear, precise, and separate data on the trust territories concerned.

SOUTH-WEST AFRICA

South-West Africa's international status is unique. Before the First World War it was a German colony; after the war the territory became a mandate of the League of Nations with the Union of South Africa as the mandatory power. Following the Second World War all the powers, except the Union of South Africa, acted in accordance with the provisions of the United Nations Charter and placed the mandated territories for which they were responsible under the international trusteeship system.⁹ But the government of the Union of South Africa maintained that under the United Nations Charter it was left to the discretion of the administering power to decide whether or not a mandated territory should be brought under the trusteeship system. This situation created great controversy in the meetings of the United Nations General Assembly.

In the 1946 session of the Assembly, Field Marshal Smuts of South Africa opened the debate on this question with a strong

⁸ General Assembly Resolution 326 (IV), 15 Nov. 1949.

⁹ This did not of course include the former Category "A" mandates, such as Syria and Lebanon (French mandates); Palestine, Transjordan, and Iraq (British mandates). With the exception of Palestine these states became independent before the establishment of the trusteeship system and the future of Palestine became the subject of special consideration by the United Nations.

plea for acceptance of the Union government's decision to incorporate South-West Africa into its own territory. Such a step, in his government's view, was in line with the wishes of the people of South-West Africa and would make the people more prosperous by attracting capital and by encouraging individual initiative for the development of the country. After prolonged debate the Assembly recommended that South-West Africa be placed under the trusteeship system and invited the Union of South Africa to propose for the consideration of the General Assembly a trusteeship agreement for the territory.

The Union government did not act in accordance with this resolution. In a communication to the United Nations Secretary-General on 23 July 1947, South Africa stated that, in the light of the clearly expressed wishes of the inhabitants of South-West Africa in favor of incorporation in the Union, the government was unable to submit a trusteeship agreement as recommended by the General Assembly. The Union government made a few concessions without, however, substantially modifying its original position: it agreed to transmit to the United Nations for its "information" annual reports on the administration of the territory. South Africa also indicated it would not proceed with the incorporation of South-West Africa and that it would continue to maintain the *status quo* and to administer the territory in the spirit of the mandate.¹⁰

The question of the status of South-West Africa came up again at the second session of the General Assembly in 1947. The South African delegate made it clear that his government had no intention of placing the territory under trusteeship; he maintained that there was no legal obligation to do so under the Charter. Furthermore, he protested against censoring South Africa as a delinquent, asserting that the General Assembly was not the legislature of a world state and its resolutions were merely recommendations and did not have

¹⁰ G.A.O.R., 2nd Sess., 4th Ctte., Annex 3a, pp. 133-36.

the force of law. While several representatives agreed with the view of South Africa that there was no legal obligation, some of these, namely, France and the United States, felt that there was, nevertheless, a strong moral obligation for the Union to place South-West Africa under trusteeship. On the other hand, many representatives, including India, expressed the opinion that there existed both a legal and moral obligation.

The question continued to come up for discussion in subsequent sessions of the United Nations General Assembly. In 1949 the Assembly passed a resolution asking the International Court of Justice for an advisory opinion as to the international obligations of South Africa with regard to South-West Africa. The Court gave its opinion on 11 July 1950. It stated that the permissive language of Articles 75, 77, and 79 of the Charter did not impose upon the Union of South Africa an obligation to place the territory under the trusteeship system, but the Court held that South-West Africa was still to be considered as a territory held under mandate and that its status could not be modified unilaterally by the Union. The Court considered that the General Assembly of the United Nations was entitled to exercise powers of supervision but only to the extent applicable under the mandate system and the procedures to be followed should conform insofar as possible to those of the League Council—especially in regard to annual reports and petitions. The Court also considered that the Union of South Africa was still under an obligation to accept the compulsory jurisdiction of the Court insofar as South-West Africa was concerned.¹¹

In a resolution adopted on 13 December 1950, the General Assembly accepted the advisory opinion of the International Court and urged the Union government to take necessary steps to give effect to it. The Assembly also established a five-member *ad hoc* committee to confer with South Africa concerning the procedural

¹¹ International Court of Justice, *Reports, Judgments, Advisory Opinions and Orders, 1950. International Status of South-West Africa, Advisory Opinion of 11 July 1950.*

measures necessary to implement the Court's opinion. At the outset of the consultations with the *ad hoc* committee, the South African representative stated that the Union government was willing to negotiate an agreement with France, the United Kingdom, and the United States—as representatives of the Principal Allied and Associated Powers of the First World War—and that this agreement could then be submitted to the United Nations for confirmation. The *ad hoc* committee found this proposal unacceptable.

Although the question of South-West Africa was considered at subsequent sessions of the General Assembly, and was the subject of further negotiations between the Union of South Africa and special *ad hoc* committees of the Assembly, no solution has been reached.

During the discussion on South-West Africa's status in the various sessions of the General Assembly, India took a leading part in opposing the policy of the South African government. In the second session in 1947 the representative of India maintained that, according to Articles 77 and 80 of the United Nations Charter and the General Assembly resolution of 14 December 1946, it was obligatory for South Africa to start negotiations for the conclusion of a trusteeship agreement for the mandated territory of South-West Africa. The Indian delegates emphasized both the legal and moral aspects of the matter and pointed out that if every member of the United Nations had adopted the same attitude as South Africa, the trusteeship system, as provided for in the Charter, would not have come into existence. In the opinion of the Indian government the question could not be isolated from the broad principles of international morality and consideration for the liberty and welfare of the inhabitants of South-West Africa. During the debate the South African delegate had drawn attention to what he termed the "tremendously rapid progress" in the Union in regard to health, education, and old-age pensions. India's representative, however, showed the other side of the picture and described the conditions of the natives and Indians in the Union arising from the color bar

and said that Africans in South-West Africa would not prefer a merger with the Union to trusteeship, if they fully realized the disabilities of non-Europeans in the Union territory.

The status of South-West Africa is still a matter of controversy among the nations of the world. India has continuously maintained that the Union government's action was a persistent violation of the principles of the United Nations Charter and that some kind of international supervision of the administration of South-West Africa must be established.

INTERNATIONAL RESPONSIBILITY FOR NON-SELF-GOVERNING TERRITORIES

Few provisions in the Charter have created as much controversy as Chapter XI concerning non-self-governing territories. This chapter "goes beyond any international agreement that has hitherto been in force in the definiteness and scope of its provisions" in regard to international responsibility toward the dependent peoples.¹² Members of the League had only undertaken to secure just treatment for the inhabitants of territories under their control. The members of the United Nations, in addition to accepting "as a sacred trust the obligation to promote to the utmost . . . the well-being of the inhabitants of these territories" have also undertaken in Article 73 (e) of the Charter:

to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories [other than the trust territories] for which they are respectively responsible.¹³

¹² L. M. Goodrich and E. Hambro, *Charter of the United Nations: Commentary and Documents* (Boston: World Peace Foundation, 1946), p. 227.

¹³ United Nations Charter, Article 73 (e).

There have been sharp cleavages of opinion on various aspects of the implementation of the Charter provisions concerning non-self-governing territories. Some of the major issues have been: (1) the type of information which should be submitted under Article 73(e); (2) the way in which this information should be dealt with; (3) the territories to which the provisions should apply and in particular how a decision should be reached that a territory is no longer "non-self-governing."

Type of Information to be Submitted: As to the type of information to be supplied by the administering powers, the Charter refers only to information of a technical nature relating to social, economic, and other matters. But very often delegates in the Assembly have expressed the view that members should be encouraged to send information concerning political developments; otherwise, it has been maintained, the information in regard to other matters cannot be properly analyzed.

The Indian view has been that, although the administering powers are under no obligation to submit information about political developments in the territories, they should be encouraged to do so, in view of Article 73(b), which emphasizes the political advancement and the progressive development of free political institutions in the territories.

Handling of Information: The question of how the information received under Article 73(e) is to be used has also been a source of differences of opinion. The first General Assembly resolution on the subject of information from non-self-governing territories, adopted on 9 February 1946, requested the Secretary-General to submit a summary of any information transmitted to him under Article 73(e). Subsequently the Secretariat suggested the establishment of a small *ad hoc* committee of experts to examine the information and to make recommendations to the General Assembly regarding the procedure to be followed in the future.

This issue raised a great deal of controversy at the second part of the first Assembly session. In general, the administering powers

maintained that the information was to be transmitted for "information purposes" only, while the non-administering powers considered that the transmission of information for only these purposes would be a waste of time. At this session, India supported the resolution, proposed by Cuba, for the establishment of an *ad hoc* committee to examine the information received by the Secretariat on the non-self-governing territories and recommend how this information could be used to best advantage.

India was elected to this committee and played a very active part in its work. When the matter was again considered at the second Assembly session, India proposed the creation of a special committee, to be appointed for two years, to deal with information transmitted under Article 73(e). India wanted the committee to have great prestige and authority and therefore suggested that it must function as a committee of the Assembly (not as a sub-committee of the Fourth Committee of the Assembly). Although these suggestions were not accepted, a special committee was created and India was elected to it. The committee was set up for one year to examine information on the non-self-governing territories and to submit reports to the Assembly. India's view was that the ultimate purpose of such a review of information was to ascertain what progress was being made toward self-government in these territories. Even if political implications were not considered, a review of colonial administration would prove useful. As the Indian delegate pointed out, the pace of economic and social progress was not the same in all colonies, and where standards were low a comparison would serve a useful purpose.

During 1948 India made detailed proposals in the Special Committee and in the General Assembly to enable the United Nations to exercise continued and greater influence in the administration of the colonies. In presenting these proposals, the Indian representative explained that India had a special interest in the welfare of these territories because many Indian nationals were scattered throughout them and because India itself had been until recently one of the

most important non-self-governing territories in the world. India's proposals were aimed at: (1) making the Special Committee a permanent body to examine the reports of the colonial powers and submit recommendations on them to the United Nations General Assembly; (2) increasing the committee's prestige by making it directly responsible to the General Assembly and not to a committee of the Assembly; (3) reducing the influence of the colonial powers by eliminating the provision that all the administering powers be represented on the committee together with an equal number of non-administering powers; and (4) permitting the United Nations Secretary-General to add to the information submitted by the powers any other relevant material which might throw light on this information. The Indian delegate suggested that reports on non-self-governing territories by the United Nations specialized agencies might also be used.

The Indian delegate explained that these proposals were intended to reconcile the obvious conflict between the intentions of the framers of the United Nations Charter and the interpretations put forward by some colonial powers. He asserted that it had not been intended that the administering powers should be much less answerable to the United Nations for their colonial territories than for the trust territories. Furthermore he pointed out that the colonial territories of the world were far more important in population and area than the trust territories.

While the major Indian proposals were not accepted, India, along with many other members, has continued to press for their adoption. At the 1948 session, the General Assembly continued the Special Committee for another year. In 1949 there was a move by some of the administering powers to discontinue the Committee; on the other hand, a number of members, including India, advocated permanent status for it. A compromise resolution was finally adopted continuing the Committee for another three years. When the issue was discussed again in 1952, the administering powers maintained their opposition to establishing the Committee on a

permanent basis, and the Assembly decided to continue the Committee for another three years.

Determination of Non-Self-Governing Territories: Considerable controversy has also arisen concerning which territories should be considered "non-self-governing" and how a decision on this point is to be reached. When the question of the definition of the term "non-self-governing territory" was discussed in the General Assembly in 1946, the Indian delegate expressed the view that the meaning of the term was sufficiently clear, but he had no objection to the opinion expressed by the United States government that Chapter XI of the Charter should apply to any territory administered by a member of the United Nations which did not enjoy the same measure of self-government as the metropolitan area of that member.

In subsequent years, some of the administering powers notified the General Assembly that they would no longer transmit information on certain territories on the ground that these territories had ceased to be non-self-governing. This matter was discussed at length at numerous sessions of the General Assembly, in the Special Committee on Information transmitted under Article 73(e), and in the special *ad hoc* committees established by the Assembly to study the factors to be taken into account in deciding if a territory is self-governing.

In 1953 the Assembly recommended a list of factors to be used "as a guide" in determining whether or not a territory could be considered as "self-governing."¹⁴ India supported this resolution, as it had the previous efforts of the United Nations to establish criteria for determining the status of the territories.

India held very clear-cut views on another important question relating to determining whether a territory was non-self-governing. The administering powers had for a very long time vigorously maintained that they alone had the experience and the right to decide when a territory became self-governing. Many of the non-

¹⁴ General Assembly Resolution 742 (VIII), 27 Nov. 1953.

administering powers, including India, opposed this view and in the 1953 session of the Assembly India supported a resolution which in effect recommended that the United Nations General Assembly should decide whether a territory is self-governing and that the obligation to transmit information under Article 73(e) was therefore no longer applicable.¹⁵

India also showed its interest in increasing international responsibility for dependent territories by advocating the closer association of the peoples of the non-self-governing territories with the United Nations. The Indian delegate told the General Assembly in 1952 that there were strong reasons which made it desirable that the peoples of the non-self-governing territories participate more directly in the work of the United Nations organs concerned with their problems. This he felt would enable them to acquire additional experience. He suggested that as a tentative measure all reports and resolutions adopted by the Assembly relating to non-self-governing territories be sent to representative organizations in the territories, and that their comments thereon be included in the information transmitted under Article 73(e) of the Charter. On the basis of this suggestion, the General Assembly adopted a resolution noting the desirability of the association of the territories in the work of the Committee on information from non-self-governing territories and inviting the administering authorities to transmit the reports of the Committee on economic, social, and educational conditions together with relevant General Assembly resolutions to the executive and legislative branches of government in the territories.¹⁶

ACHIEVEMENT OF FREEDOM UNDER UNITED NATIONS AUSPICES

A number of questions which have been considered by the United Nations as matters affecting international peace and security

¹⁵ General Assembly Resolution 748 (VIII), 27 Nov. 1953.

¹⁶ General Assembly Resolution 647 (VII), 10 Dec. 1952.

have concerned dependent or former colonial territories. Two of the most important of these questions were the conflict between the Netherlands and the Republic of Indonesia and the question of the disposition of the former Italian colonies.

Indonesia: The course of the Second World War and subsequent developments led to the establishment of a republican government in Indonesia, which before the war had been a colony of the Netherlands. On 25 March 1947 the Dutch formally recognized the *de facto* authority of the Republic over Java, Sumatra, and Madura. A few other governments also gave *de facto* recognition to the Indonesian Republic. When the Netherlands government started a full-scale military offensive against the Indonesian government in July 1947, many felt that international peace and security were endangered by the Dutch action and on that ground India and Australia referred the question to the United Nations Security Council. The Netherlands government claimed that its action was only a police action and that the matter was entirely within its own jurisdiction. The Security Council did not accept this claim and the decisions it took to maintain international peace and security and bring about a pacific settlement of the dispute were of great importance in relation to international responsibility for dependent territories.

These decisions of the United Nations on Indonesia were a departure from the widespread acceptance of the traditional concept of the jurisdiction of the colonial powers in such matters. Those who sponsored and supported the resolutions on this question showed a capacity to look beyond the legal arguments of those who wanted to maintain the *status quo* in the international field. There is no doubt that the Indian government welcomed this trend.

Italian Colonies: On the disposition of the former Italian colonies, the United Nations was in a position to exercise an authority without parallel in connection with the future of dependent peoples. Under the terms of the treaty of peace, Italy was obliged to renounce all rights and title to its former colonies in Africa—that is, Libya,

Eritrea, and Italian Somaliland. The treaty provided that the United States, the Soviet Union, the United Kingdom, and France should jointly determine the disposition of the colonies and, if they could not reach agreement on this issue within a year, the question was to be referred to the United Nations General Assembly for final decision.

The issue was submitted to the United Nations in 1948 and was finally resolved in 1949. The initial discussion in the General Assembly revealed the many conflicting views and interests involved, particularly in regard to Libya. The United Kingdom wanted to maintain its paramount position in the province of Cyrenaica; France had similar interests in the Fezzan. These two powers and the United States eventually supported a proposal to place Italian Somaliland and the three provinces of Libya under the trusteeship system with France, Italy, and the United Kingdom as the administering authorities for the various areas. The major part of the third colony, Eritrea, was to be incorporated into Ethiopia. The Soviet proposals envisaged the establishment of direct United Nations trusteeship for all three colonies with an advisory committee and an administrator appointed by the Trusteeship Council. A number of other countries including India and Pakistan favored direct United Nations trusteeship, particularly for Libya.

At its fourth session in 1949, the General Assembly finally recommended that Libya should become independent by 1 January 1952 and should be admitted to the United Nations. Its constitution was to be determined by a National Assembly of representatives of the three provinces—Cyrenaica, Tripolitania, and the Fezzan. To help in formulating the constitution, a United Nations Commissioner was appointed who was to be assisted by an advisory council of ten members, consisting of representatives of Egypt, France, Italy, Pakistan, the United Kingdom, the United States, Cyrenaica, Tripolitania, the Fezzan, and the Libyan minorities. The General Assembly also recommended that Italian Somaliland be placed under trusteeship for a period of ten years; Italy was

designated the administering authority and was to be aided by an advisory council.¹⁷

India's contribution to the discussions on the former Italian colonies was very important. Especially significant was the set of constitutional principles that India proposed for inclusion in the trusteeship agreement for Italian Somaliland. The Indian delegate said that his country attached the greatest importance to these proposals which aimed at full United Nations supervision of the administration of Somaliland. The administering authority, bound by the constitutional principles embodied in the agreement, would have to act with the advice given by the advisory council. It was hoped in India that the acceptance of these principles would in effect create a new pattern of trusteeship and that Somaliland would have a larger measure of self-government than most trust territories.

Tunisia and Morocco: During the discussions at the seventh session of the General Assembly, the relations between France and its North African protectorates, Tunisia and Morocco, raised many questions. The most important concerned the freedom of dependent peoples. Although these issues were discussed in the Political and Security Committee, and not in the Trusteeship Committee, very few members agreed with the claim that at that stage international peace and security were threatened. It is significant that, quite unlike the Indonesian question, the situations in Tunisia and Morocco were not considered by the Security Council.¹⁸

One of the major issues concerned the competence of the United Nations to make recommendations on, or even to discuss, these

¹⁷ For the decision on Libya and Italian Somaliland, see General Assembly Resolution 289 (IV), 21 Nov. 1949. The disposition of Eritrea was not decided until the next year, when the Assembly recommended that it be constituted an autonomous federated unit with Ethiopia under the sovereignty of the Ethiopian crown (General Assembly Resolution 390 (V), 2 Dec. 1950).

¹⁸ Both questions were brought to the attention of the Security Council by a group of Arab-Asian states — Tunisia, in April 1952 and Morocco, in August 1953. In both cases the Security Council voted against including the items on its agenda.

matters.¹⁹ In the Assembly the French delegate claimed that according to the treaties concluded by France with Tunisia and Morocco, the foreign relations of the two states could be conducted only through France. He further pointed out that the United Nations had not been given competence to proceed in any manner with the revision of treaties and therefore it could not intervene. The British delegate in general supported the French position and stated that it was especially important to keep within the legal bounds of the United Nations Charter. The Netherlands government expressed the view that under the protectorate Morocco could not be regarded as a state exercising full powers of sovereignty.

Many others expressed disagreement with these views. The Saudi Arabian delegate maintained that, since Tunisia was a sovereign state which could conclude treaties, issues arising between Tunisia and France could hardly be treated as matters within the domestic jurisdiction of France. He also asserted that changing conditions often necessitate treaty revision. According to the Syrian representative, the delegation of powers to France by Tunisia was not general but limited to acts concerning foreign affairs as mentioned in the treaty. Furthermore, he asserted no delegation of powers was ever permanent. The Pakistani delegate also stated that France had gradually assumed full control of Tunisia and that such an action was not in accord with the treaty. The Indian delegate, Mrs. Pandit, drew attention to the Universal Declaration of Human Rights which affirmed that the will of the people was paramount and she said that, since the Tunisians wanted self-government, France could not do other than comply with their request.

The debate on the Morocco question proceeded along similar lines with the Soviet delegate asserting that it was incumbent upon the General Assembly to take measures for the solution of the

¹⁹ Although the Tunisian and Moroccan questions were discussed in the Assembly as separate items, similar issues were involved and many of the same observations were expressed, especially on the question of competence.

question in accordance with the principles of the Charter, especially Article 1, para. 2.

The United States delegate expressed the view that when a situation so deeply disturbed a group of important and respected states that they were moved to bring it to the attention of the General Assembly, all members were bound to be concerned with it. The Brazilian delegate agreed with this position and stated that there was ground for the view that the treaties concluded between Tunisia and France had been overtaken by events and had outlived their usefulness.

No formal vote was taken on the competence of the General Assembly to deal with the questions, but the mere fact that the Assembly adopted resolutions on them was regarded as tantamount to an affirmative decision on the issue of competence. In these resolutions the Assembly expressed confidence that France, in pursuance of its proclaimed policies, would endeavor to further "the effective development of the free institutions of the Tunisian people" and the "fundamental liberties of the peoples of Morocco." The Assembly "expressed the hope that the parties would continue negotiations on an urgent basis" with a view to bringing about self-government for the Tunisians and developing the free political institutions of the Moroccans. Finally it appealed to the parties to conduct their relations and settle their disputes in accordance with the spirit of the Charter.²⁰

The more strongly worded resolutions proposed by the Arab-Asian group were rejected. In regard to Tunisia their draft resolution had specifically referred to the fulfilment of the national aspirations of the Tunisian people and suggested the appointment of a commission of good offices. On the Moroccan question they had proposed that negotiations should be conducted for an early, peaceful settlement in accord with the sovereignty of Morocco, the aspirations of its people, and the United Nations Charter.

²⁰ General Assembly Resolutions 611 (VII), 17 Dec. 1952 and 612 (VII), 19. Dec. 1952.

In 1953 the Arab and Asian states again brought the questions of Morocco and Tunisia before the eighth session of the General Assembly. Referring to the situation in Morocco, the Indian delegate told the General Assembly that the basis of the problem was the right of the Moroccan people to recover its independence and its right to self-determination.²¹

The draft resolutions submitted by the Arab and Asian delegations were also defeated in 1953. Regarding Morocco, they asked the General Assembly to recommend (1) the ending of martial law; (2) establishment of democratic representative institutions through free elections; (3) steps toward full sovereignty and independence within five years. They also proposed that the Secretary-General of the United Nations confer with the French government with a view to the implementation of these aims and report to the next session of the Assembly. Their draft resolution on Tunisia was somewhat similar in tone, and likewise failed to obtain majority support. On both questions, more moderate draft resolutions were approved in committee but failed to obtain the necessary two-thirds vote in plenary.

THE STUDY GROUP'S VIEWS

The members of the Study Group discussed at some length various aspects of the relations of the United Nations with dependent territories. Concerning the trust territories, no concrete proposals were put forward for the solution of the problems arising from the establishment of administrative unions. The fear was expressed that the union of a trust territory with a colony might result in lowering the standards maintained in the trust territory for progressive development of free political institutions. It was also felt that proper supervision of the administration of the trust territory by the United Nations would be difficult because of the problem

²¹ G.A.O.R., 8th Sess., 1st Ctte., 633rd Mtg., 13 Oct. 1953, p. 40.

of getting adequate, separate information about the developments in the trust territories. It was, however, pointed out that the trusteeship agreements, as approved by the Assembly, had provided for the formation of some kind of administrative unions; thus there was no legal basis for objecting to such action by the administering powers. Perhaps the solution lay in modification of the agreements, but in practice this would probably be impossible since it would meet with so much opposition from the administering powers. It was noted that the Charter itself had not provided for periodic modification of the trusteeship agreements. The view was expressed that some specific directives should be given to the administering powers in order to prevent adverse effects from the establishment of the administrative unions. It was noted that in some cases the formation of such unions was justified because some trust territories were so small that it would be very inconvenient to maintain them as separate administrative entities. It was also felt that sometimes the union was desirable from an economic standpoint.

The Study Group then examined the implications of the Charter provisions concerning strategic areas. The Group noted that once a territory was considered as a strategic area, it came under the purview of the Security Council and substantial supervision of its administration by the United Nations might be impossible because of the right of the permanent members to veto the majority views of the Council. It was felt that this was another possible field for abuse by the trustee powers. The Group suggested that attention should be given to safeguarding the interests of the people of the trust territory by demanding detailed information and reports concerning the territory.

The Group then went into the question of the definition of the term "non-self-governing territory." It was realized that it would be difficult to give a positive definition though in a negative sense it could be done by listing conditions which should *not* obtain in a self-governing territory. It was observed that it had become a regular practice for some metropolitan powers, especially France,

to give non-self-governing territories limited self-government and limited representation in the metropolitan parliament and then insist that these territories had ceased to be non-self-governing. The view was expressed that in such cases the contention of the administering powers should be accepted only if the indigenous people in the non-self-governing territories were given the same measure of representation as the people of the metropolitan territory. Other criteria put forward by members of the Group to determine whether a territory was self-governing were that there should be autonomy in fiscal and tariff matters, that the people should not be taxed for purposes other than their own interests, and that they must have the right to send diplomatic representatives abroad. The Group felt that until the territories concerned had a full measure of self-government, the United Nations should insist on getting information about them.

The Group then took up the question: who should decide when a particular territory ceases to be non-self-governing? On this question more definite views were expressed. The Group was more or less unanimous in the opinion that this matter should not be left to the arbitrary decisions of the administering powers. Many considered that the Assembly should make the final decision and that it should censure any administering power that unilaterally declared it would not send to the United Nations information about a particular territory on the ground that, in the administering power's opinion, the territory had ceased to be non-self-governing. In regard to this matter one member drew attention to the fact that a proposal could be approved by a simple majority in the Fourth Committee of the Assembly; but for the adoption of a resolution in plenary session a two-thirds majority was required. If an administering power could get the support of more than one-third of the member states, it could block any action by the Assembly.

The Group then explored the ways and means of institutionalizing international responsibility for non-self-governing territories. It was

fully realized that under the existing circumstances it was not possible to raise the status of non-self-governing territories to that of the trust territories. The Group, however, expressed the opinion that the division of dependent areas into non-self-governing territories and trust territories was merely an accident of history; the former were the possessions of the victors of the two world wars and the latter those of the defeated. Apart from this, there was no reason why the status of one group of territories should be different from that of the other. The demands of the people of all dependent areas were essentially the same and it was desirable for the world community to exercise more or less the same kind of influence in the administration of all these territories.

The Group also thought it desirable that as far as possible the representatives of the indigenous people of the non-self-governing territories should be associated with the work of the United Nations bodies which were concerned with them.

The Group welcomed the United Nations action concerning Indonesia and the view the Security Council took on the plea of domestic jurisdiction in regard to that question. It was noted that the Council's liberal interpretation of its right to intervene in such matters was warranted by the circumstances prevailing in the area at that time. The Group felt that questions of this type must be considered individually and that it was not possible to suggest any general principle applicable to all such cases.

While examining the Tunisian and Moroccan problems, the Group tried to answer the following question: "Can any procedure be devised to ensure the revision under international auspices of out-of-date treaties?" One of the members pointed out the danger of an affirmative answer to the question because, in his opinion, if machinery were provided for this purpose it would encourage one or another of the treaty signatories to come forward and say that the circumstances had changed. However it was fully realized that, in the interests of justice, there should be some way of annulling treaties which had become completely out of date. The Group

concluded its discussion by expressing the hope that the International Law Commission would examine the question and give some lead on this matter.

The Group expressed regret and disappointment at the way the specific questions of Morocco and Tunisia were handled by the United Nations. Many members thought that it would have been proper for the Security Council to treat them as security questions, as it did Indonesia, and that the General Assembly's resolutions should have been much more strongly worded.

THE VIEWS OF THE INDIAN PRESS

The opinions expressed by the Indian press and other non-official agencies on the role of the United Nations in relation to dependent areas were so much in line with the government's policy that it is scarcely necessary to deal with them in any detail. Editorials in some leading newspapers, like *The Hindu* and the *Hindustan Times*, generally supported the Indian government's policy on issues concerning dependent territories; very often they confined themselves to explaining what the policy was. Other journals and important party leaders, as a rule, supported vaguely, but vehemently, the right of the dependent peoples to be free and opposed the attitude of those powers which, in their opinion, resisted the demands of these peoples. These views did not take any crystallized shape as far as United Nations work in this field was concerned. In the previous chapter of this study, it was pointed out that although the major parties and a large number of the newspapers agreed with the Indian government's views on the structure and organization of the United Nations, a small number of individuals and journals expressed different opinions. But not so on the question of the freedom of dependent peoples. There were, of course, a few journals that did not show the same degree of enthusiasm as others in supporting the cause of the dependent peoples or the actions of

the Indian government on this matter; but even they did not oppose the government's policy.

A few samples of press comments on some of the issues concerning dependent people are given below:

Many Indian commentators expressed their satisfaction at the emergence of Indonesia as a sovereign state under the auspices of the United Nations. Similar comments were made concerning Libya. The *Amrita Bazaar Patrika* wrote on 6 December 1951: "The emergence of Libya into a sovereign and independent statehood last Monday under the auspices of the U.N. is an international event of considerable importance."

The problem of South-West Africa was the subject of a good deal of press comment.²² Concerning the Assembly resolution establishing a committee to examine information on South-West Africa, the *Hindustan Times* said on 14 November 1953:

The Trusteeship Committee [of the U.N. Assembly] has gone to the utmost extent it could to meet South African susceptibilities by saying that the . . . committee would function, as far as possible, like the Mandates Commission of the old League of Nations. One of the reasons given by the South African delegate why his Government was not willing to enter into a new agreement with the U.N. was that it would have meant acceptance by the Union Government of responsibilities more onerous than those assumed under the mandate. . . . The issue is a simple one. Should South Africa be allowed to escape the legal and moral obligations it assumed under the League Mandate because of the quibble that the League of Nations was dead and the U.N. was not the legal successor of the League of Nations? The World Court, to which the question was referred, definitely held that the Union Government could not unilaterally modify the international status of the territory held by it under mandate and this could be done only by agreement between the Union Government and the U.N. and, secondly, the obligations assumed by South Africa under the League of

²² See for example the comments by the *Eastern Economist* on 26 Oct. 1951.

Nations Mandate were still valid and must be discharged by the Union Government. Whatever South Africa may assert, the whole world has agreed that the U.N. is discharging today the functions of the old League of Nations.

....

Behind the legalistic arguments with which it is sought to be covered, the truth is that South Africa wants to annex South-West Africa and enforce in the mandated territory the same vicious racial policies which have made her name anathema all over the world. . . . From mandate to incorporation will be a flat repudiation of the international obligations which South Africa had assumed and it is for the U.N. to see that South Africa does not accomplish this under whatever guise.

Another issue which attracted much comment was the United Nations handling of the Tunisian and Moroccan questions. The *Economic Weekly* wrote on 5 September 1953:

It is not for France, America and Britain, but for the United Nations, to decide whether the recent developments in Morocco threaten international peace. But, how can the United Nations come to a decision without initiating a discussion on this issue? Due to voting strength, the Big Powers may be in a position to debar any such discussion by the United Nations. But the implications of any such joint action are grave and serious. The concerted move by the Big Powers is not only a blow to the moral prestige of the United Nations. Its racial and colonial implications are serious menaces to world peace.

The *Hindustan Times* of 1 January 1954 made the following comments:

African nationalism is now in revolt against the attempt of the small group of white settlers to impose political and economic domination and suppress African claims to freedom and equality. Similar attempts are being made in other colonial areas, as in British Guiana, to perpetuate white domination. In spite of the stand taken by the U.N., this campaign of

suppression has been going on—an open challenge to the Charter of the U.N. The year's events have shown unmistakably that if the Colonial Powers adopt this short-sighted policy and try to keep down the African and Asian peoples, it is bound to result in widespread racial conflicts and endanger the peace of the world. It is one of the most menacing problems facing the world's statesmen in the U.N. today.

International Action for Racial Equality

One of the significant developments in the international field after the Second World War has been that many questions, formerly viewed as purely domestic matters of the sovereign states, have begun to be considered by a large section of humanity as matters of international concern. We have already seen how this trend toward international order has worked in the field of United Nations relations with dependent territories. What has happened in regard to race relations in general and racial conflicts in particular has been equally important. More than one issue in this field has come before the United Nations. India, along with most of the other Arab-Asian nations, has maintained that the United Nations must take a keen interest in racial questions, especially since fundamental human rights and international peace and security are involved.

THE DISPUTE BETWEEN INDIA AND SOUTH AFRICA

The first issue concerning racial conflicts that came before the United Nations was the question of the treatment of the people of Indian origin in the Union of South Africa. India referred the issue to the General Assembly on 2 June 1946 for its consideration under Articles 10 and 14 of the Charter. India contended that the Union of South Africa, after signing the United Nations Charter, had brought about a wider application of segregation and the "ghetto" principle by the Asiatic Land Tenure and Indian Representation Act of 1946. With the adoption of this act by the Union Parliament, discrimination against people of Indian origin in South Africa was extended in the fields of franchise, immigration, acquisition of landed property, trade, marriage, travel, and employment in public services.

*Background to the Dispute:*¹ The history of Indians in South Africa dates back to the middle of the nineteenth century. After the abolition of slavery by the British Parliament, the sugar plantations in South Africa suffered heavily from a scarcity of labor. The government of Natal then dispatched one of its leading officials to negotiate with the Indian government for the importation of Indian labor. In 1860 the two governments concluded an agreement by which, subject to certain conditions, Indian laborers were sent to South Africa. The then British governor of Natal made the following declaration: "There shall not be in the eye of the law, any distinction of colour, origin, language or creed, but the protection of law in letter and substance shall be extended impartially to all alike."² Around 1880 anti-Indian agitation began to develop in South Africa and by the beginning of the nineteenth century there

¹ The background of the dispute is summarized in "Memorandum on the position of Indians in the Union of South Africa." See General Assembly, Official Records (G.A.O.R.): 1st Sess., 2nd Part, Joint Cttee. of the 1st and 6th Cttes., Annex 1a., pp. 53-81.

² See K. P. Karunakaran, *India in World Affairs, August 1947-January 1950* (London: Oxford University Press, 1952), p. 160.

was an increasing demand that Indian immigration to South Africa be stopped. On the other hand there was a growing demand by the planters for Indian labor. In 1908 the Natal government established a commission to study the question of Indian labor in that colony. The commission reported that Indian labor was essential to the maintenance of certain industries; it added, however, that the Indian "was not desirable in the colony other than as a labourer."³

These developments led the government of India in 1910 to forbid further emigration of Indian laborers to any place where conditions were not favorable to them. In this same year the Union of South Africa, comprising the four colonies of Natal, Cape (Colony), the Transvaal, and the Orange Free State, came into existence. Matters affecting Indians generally became a Union responsibility, although the laws enacted by the colonial and republican governments of Natal and Transvaal continued to remain in force. The situation in South Africa caused strained relations between the members of the Indian community and the white settlers and sometimes there was resistance on the part of the former to the discriminatory treatment accorded them by the latter. The relations between the governments of India and South Africa became unhappy.

In 1927 representatives of the two governments met in a round table conference to discuss the problem arising from the discrimination against people of Indian origin in South Africa. An agreement—known as the Cape Town Agreement—was reached. The joint communique issued after the conference stated:

Both Governments reaffirm their recognition of the right of South Africa to use all just and legitimate means for the maintenance of Western standards of life.

The Union Government recognize that Indians domiciled in the Union, who are prepared to conform to Western standards of life, should be enabled to do so.

³ "Memorandum on the position of Indians in the Union of South Africa," *op. cit.*, p. 57.

For those Indians in the Union who may desire to avail themselves of it, the Union Government will organize a scheme of assisted emigration to India or other countries where Western standards were not required.⁴

The large majority of Indians, who were South African born, did not take advantage of the clause regarding emigration. Nevertheless the Cape Town Agreement was a powerful influence in fostering friendly relations between the two countries. Later in 1932 a joint statement was issued by the two governments that the Cape Town Agreement of 1927 was to remain in effect and that there should be continued co-operation between the two governments.

Discussion in the General Assembly: In referring the issue of the treatment of the people of Indian origin in South Africa to the United Nations, India claimed that the enactment of the Asiatic Land Tenure and Indian Representation Act by the Union of South Africa constituted a unilateral repudiation of the agreement of 1927 and the joint statement of 1932. The Union government did not accept this view. It maintained that the agreement and the joint statement did not in any sense give rise to treaty obligations, because no draft of any treaty was ever drawn up or signed at the conference.

According to the Union government, the two governments did not set out to enter into a treaty, but merely to formulate mutually acceptable policies, to be carried out voluntarily in friendly co-operation toward the solution of a problem essentially within the domestic domain of the Union. The Union government claimed that the agreement and the joint statement were two separate documents containing only statements of policy in the widest and most general terms. There was no question of treaty rights and obligations defined or circumscribed with any degree of legal precision. In the words of Field Marshal Smuts the "so-called

⁴ *Ibid.*, pp. 66-67.

agreement was only an honourable and amicable understanding rather than a binding treaty.”⁵

The Indian delegate stated in the General Assembly in 1946 that an “honourable and amicable understanding” was no less binding on a nation than a formal treaty. There was no magic about the word “treaty.” Any solemn agreement arrived at between two governments constituted an international pact and was, in spirit, a treaty. The Indian delegate also drew attention to the following telegram sent by the Governor-General of South Africa to the Governor-General of India on 16 February 1927:

My Ministers desire me to inform your Excellency that they have formally approved of an agreement which has been reached between our representatives and the representatives of the Government of India at the Conference which was recently held in Cape Town. They feel assured that that Agreement, should it also be ratified by your Government, will be the means of establishing friendly co-operation and lasting goodwill between South Africa and India.⁶

Although India contended that the treatment of the people of Indian origin in South Africa was a violation of an agreement between the two governments, and as such an international issue, the Indian case was based primarily on moral and political grounds. The South African action was a violation of the principles underlying the preamble to the United Nations Charter, which reaffirmed faith in fundamental rights and expressed the determination to “promote social progress and better standards of life in larger freedom.”

The Indian delegate could not accept the view of the Union government that because terms like “human rights” and “fundamental freedom” were not properly defined, members of the United

⁵ For a summary of this statement, see G.A.O.R., 1st Sess., 2nd Part, Joint Cttee. of the 1st and 6th Cttes., 1st Mtg., 21 Nov. 1946, p. 3.

⁶ For a summary of this text, see *ibid.*, 2nd Mtg., 25 Nov. 1946, p. 10.

Nations had no specific obligations under the Charter in regard to them. The Indian delegate asked the General Assembly in 1946:

Do the Members present here have any doubt as to what human rights and fundamental freedoms for all without distinction as to race, sex, language or religion means? . . . And have they any doubt that discrimination between race and race, segregation of one race as an inferior race, violates the principles of the Charter?⁷

Many other members agreed with India. For instance, the Mexican delegate said that it was of small matter whether treaty rights existed in regard to this issue, because, by signing the Charter, all members had bound themselves to a well-defined, imperative, and inescapable obligation to eliminate discrimination based on race and color. He also thought that it was the duty of the Assembly to point out to a member where it had failed to comply with its obligations.

India also emphasized the political aspects of the problem arising from the racial conflicts. As the cause of the dispute between South Africa and India was the subordination of the just claims of members of one race to the unjust demands of another, India maintained that its repercussions would extend beyond the two countries. This was, therefore, a world issue and a political issue, not a legal one. Some political repercussions of the Union government's actions were already manifest. On 17 July 1946 the government of India had severed trade relations with South Africa and recalled its High Commissioner in the Union. India contended that this was a situation toward which the United Nations could not take an indifferent attitude.

The Issue of Domestic Jurisdiction: During the debate in the General Assembly the Union of South Africa at first contended that as the question concerned not Indian nationals, but Indians who were South African nationals, even the General Assembly's

⁷ For a summary statement, see *ibid.*

decision to discuss the matter would be in conflict with Article 2(7) of the Charter which prevents the United Nations from intervening in matters "which are essentially within the domestic jurisdiction of any state." He also stated that, but for this provision in the Charter, any state could set the machinery of the United Nations in motion in relation to every conceivable domestic matter of another state. According to this view only an act of aggression or threat of aggression upon another state could form a real subject for enquiry by the United Nations.

South Africa submitted that the General Assembly's decision to discuss the treatment of the people of Indian origin in South Africa affected not merely the Indians in South Africa and the immediate relations between the governments of India and South Africa. It transcended the momentary differences between the two states and affected all governments, because in many other states there were also conflicts arising from the existence of racial and other minorities. If the United Nations were to extend its jurisdiction to these spheres, the governments of these states would find their position in the Organization impossible and intolerable. On the ground that the legal aspect of this question would affect the very basis of the United Nations, the Union government insisted that the General Assembly, which is a political body, should consult the International Court of Justice, the most authoritative legal body recognized by the United Nations. This view found support from some other member states, but was rejected by the General Assembly.

India did not deny that the people of Indian origin in South Africa were South African nationals. But the Indian delegate pointed out that they were citizens only for the purpose of bearing the burdens and obligations of citizenship. They had no rights. They paid their taxes, but they did not have their share of representation in municipal and parliamentary bodies. Furthermore, the Indian government felt that it had a moral and political obligation toward them, because it was responsible for the departure of the first Indian immigrants to South Africa. The Union of South

Africa had itself recognized the interest of the Indian government in this matter as was evident from the negotiations and agreements between the two governments.

India's rejection of the legal argument based on the domestic jurisdiction clause of the Charter was based primarily on the stand that the issue was basically a moral and political one. Against the South African view, India also contended that the signing of the United Nations Charter had resulted in the contraction of the domain of essentially domestic matters. In India's view it was for the Organization to decide whether any matter was so essentially domestic in its nature that the United Nations would refrain from interfering with the exercise of discretion by a sovereign state. India contended that it would be a great mistake to involve a court as eminent as the International Court of Justice in political issues. India considered this was predominantly a political question and that fundamental questions concerning human rights were not essentially domestic matters of member states.

RACIAL CONFLICT IN SOUTH AFRICA

In addition to the question of the treatment of Indians in South Africa, the general issue of race conflict in South Africa was also brought before the United Nations General Assembly. In September 1952, thirteen Arab-Asian states, including India, referred this issue to the United Nations, emphasizing its political aspects. In their memorandum they stated that the racial conflict in the Union territory, resulting from the government's *apartheid* policy, created a threat to international peace and security, and violated the principles of human rights. Their memorandum stated that the Assembly should give urgent attention to this question in "order to prevent an already dangerous situation from deteriorating further and to bring about a settlement in accordance with the purposes and principles of the Charter."⁸

⁸ G.A.O.R., 7th Sess., Annexes, Vol. II, Agenda item 66, pp. 1-3.

During the discussion of the issue in 1952, the Indian delegate told the Assembly that the international implications of the Union government's policies were clear to all member states which had pledged themselves to uphold the basic principles of the Charter concerning the observance of human rights. She also said that the situation was imperilling the entire continent of Africa and that, unless the United Nations acted rapidly, the world would be threatened with a new conflict. India, she concluded, would welcome a study of the situation with a view to assisting the South African government to resolve it on a humanitarian and rational basis of mutual toleration and understanding among all racial groups.

One of the resolutions adopted by the Assembly established a commission to study the racial situation in South Africa. In its report submitted on 13 October 1953, the commission stated that the various provisions of the Charter could not be interpreted in isolation and made the following comment concerning the spirit of the Charter:

It is neither by chance, nor owing only to the efforts of a few delegates with conviction and determination that the Charter refers to fundamental human rights, and to the part to be played by the Organization in safeguarding them, with a persistent emphasis otherwise displayed only in its references to collective measures in the face of aggression. These rights are mentioned in the Preamble, in Article 1 of Chapter I, which enumerates Purposes and in Articles 13, 55, 62, 68 and 76. Nor is it an accident that the need for collective action to ensure respect for the dignity of the human person and for the fundamental freedoms found a place in all the major declarations made on important occasions from the outbreak of war until the promulgation of the San Francisco Charter: in the Atlantic Charter of 14 August 1941, in the Teheran Declaration of 1 December 1943, in which the United States, the United Kingdom and the Union of Soviet Socialist Republics declared that they would seek the co-operation and active participation of peoples in "the elimination of tyranny and slavery, oppression and intolerance," and again in the Dumbarton Oaks proposals,

upon which the debates at San Francisco were based. The truth is that the peoples of the world were inspired by a profound conviction that whatever machinery was devised to ensure collective security or international co-operation, its fundamental and ultimate goal had to be the dignity of man, if it was to maintain peace, function effectively and answer the hopes of mankind.⁹

With this view on the spirit of the Charter, India is in complete agreement.

The United Nations commission also expressed the opinion that the doctrine of racial discrimination and superiority on which the *apartheid* policy was based was scientifically false, extremely dangerous to internal peace and international relations—as had been proved by the tragic experience of the world in the past twenty years—and contrary to the dignity and worth of the human person. The commission asserted that the discriminatory legislation and administrative measures referred to in its report conflicted with the Charter, the Universal Declaration of Human Rights, and with various General Assembly resolutions, including the “Uniting for Peace” resolution.

The work of the commission has been well received in India. It was felt that an international commission asserting views such as this commission had expressed was a step forward toward a peaceful world order.

THE VIEWS OF THE STUDY GROUP

The members of the Study Group felt that the United Nations under its present Charter was competent to tackle the issue of racial conflict and discrimination. They held that the question of discriminatory treatment of a section of people, such as the people of Indian origin in South Africa, transcended the domestic jurisdiction of any state. The international body has also to take into consideration the political repercussions of racial conflicts and their

⁹ G.A.O.R., 8th Sess., Supple. No. 16, p. 10.

ultimate effect on international peace and security. The Study Group noted that India, in first raising this question, emphasized its political aspects. Gradually, in order to get maximum support from other United Nations members, the emphasis was shifted to humanitarian aspects. But by the time the general question of racial conflict in South Africa was taken up by the General Assembly in 1952 the whole Arab-Asian group was again focussing the attention of the Assembly on the political and security questions involved in the continuation of racial discrimination in different parts of the world.

Some of the members of the Study Group stated that India must guard against giving too much power to the United Nations. Even if it might be in India's interest to extend the authority of the United Nations in a particular field, further concentration of powers in the Organization might in the future become a source of danger to India's interests in other fields, especially in view of the fact that certain governments were trying to make the United Nations a tool of their policy. According to this view, everything must be done to prevent the United Nations from developing into a superstate, because of the present predominance of power politics in the Organization.

Those who wanted to emphasize the human rights aspect of the problem maintained that, if the issue was to be tackled purely as a political and security question, those who were oppressing the people of one race might contend that they were in a position to control the situation within the country; that it could not therefore lead to a breach of international peace; and thus the issue need not come before an international body at all. It was also pointed out that some members of the United Nations might be convinced by this argument. They might, therefore, be unwilling in a particular situation to support the cause of racial equality if those championing this cause based their arguments on the political aspects of the issue.

Both these views had their adherents in the Study Group. The consensus was that both the humanitarian and the political aspects

of the problem should be taken into consideration by the United Nations. The members also considered that the United Nations should be concerned with all "major" racial conflicts regardless of whether or not they were confined to one particular state.

The Study Group then discussed the definition of the term "intervention." The following question was raised: Can the United Nations "discuss" a dispute without "intervening" or does the "discussion" itself constitute "intervention"? Some members stated that the discussion itself was not intervention; others expressed the view that the Group need not go into this question in detail because it was purely theoretical and the important point was that the United Nations must discuss such issues and make recommendations regardless of the fact that this might be considered intervention.

The Group also examined the following question: Apart from mobilizing international public opinion on such issues, is there any way of institutionalizing international responsibility in this field? In other words, can the United Nations take any effective action in regard to such matters? The members of the Group were more or less unanimously of the opinion that in regard to this matter the United Nations should not be given the power to take "effective action," in the sense of imposing sanctions against the offender. One of the members of the Study Group, however, felt that in a case of persistent "defiance of the General Assembly resolutions on the part of a member, as in the case of South Africa," Article 6 should be invoked and the member state concerned should be expelled from the Organization. He also said that if the General Assembly failed to take this step, it would, by implication, be accepting South Africa's interpretation of the "domestic jurisdiction" clause of the Charter. In his view the General Assembly should stop passing resolutions if it cannot enforce them.

According to another member, Assembly resolutions are not positive decisions by the Organization to be defied or carried out by the members; they are only recommendations and rejection

cannot be considered as defiance of the Organization. The majority of the members of the Study Group did not support the view that the United Nations must take steps to enforce Assembly resolutions by imposing sanctions or by expelling member states which do not act in accordance with the recommendations.

THE PRESS AND THE PUBLIC

The Indian public and press have more or less unanimously supported the Indian government in its stand against racial discrimination in South Africa.

Janata, the Socialist party organ, wrote on 5 October 1952:

The U.N. must force South Africa to abandon Apartheid and grant full democratic rights to all her citizens, whatever be the pigment of their skin. If the U.N. takes a firm step it will not only raise that organization's authority and prestige but also the prestige of the West in the East.

The *Tribune* of 16 October 1951, in referring to South Africa's boycott of the Assembly meetings during the debates on the question, stated:

If in the face of threats and challenges, it [the United Nations] cannot take up a bold attitude in a matter involving right and justice, it will reduce itself to the position of impotency.

The following was the comment of the *Amrita Bazaar Patrika* on 16 December 1952:

The powerful nations of the world that control the U.N. should remember that mere words such as those contained in the Declaration of Human Rights, divested of action, will cut little ice with the non-white peoples of the world. South Africa has not only been digging its own grave but taking the U.N. along with it.

The *Hindustan Times* of 14 December 1951 expressed the opinion:

Britain may lack the courage to face a moral issue of vital importance to the vast majority of the people of the Commonwealth, but the U.N. cannot degenerate into an assemblage of white nations, without committing suicide.

Views more or less identical to these were expressed by other journals and spokesmen of political parties. A few demanded that the United Nations take more effective action; others took a more moderate stand. But no one in India questioned the right of the United Nations to take an interest in racial conflicts and to make recommendations to member states regarding racial conflicts and discrimination.

Pacific Settlement of Disputes

GENERAL

Two methods of pacific settlement are dealt with in the Charter: one is based on voluntary acceptance; the other makes use of an element of compulsion in the sense that, if the parties agree to this method, the decisions reached through it are binding on them. Negotiation, enquiry, mediation, and conciliation belong in the first category; arbitration and judicial settlement in the second. There has not been much discussion in official and non-official circles in India in regard to the ways and means of reaching peaceful settlements of international disputes under United Nations auspices. Most discussions have been more or less confined to the merits of the cases of the parties concerned in specific disputes. In general, India has welcomed those methods that would not involve an element of compulsion but would assist in the pacific settlement of international disputes.

In the General Assembly and Security Council there has been some discussion on improving the machinery for the pacific settlement of international disputes. After one of these debates, the General Assembly on 28 April 1949 adopted a resolution instructing the Secretary-General to prepare a revised text of the General Act for the Pacific Settlement of International Disputes.¹ The changes concerned the mechanics of the procedure for the settlement of disputes. Such a revision was necessary because of the fact that the organs of the League of Nations and the Permanent Court of International Justice no longer exist. In accordance with the Assembly resolution the revised act came into force on 20 September 1950, following the accession to it by two states, Belgium and Sweden. India did not accede to it; the Indian government, under the circumstances, was not prepared to accept any rigid rules in regard to this matter.

The Study Group noted that fewer states had acceded to the revised act than had previously acceded to the original act of 1928. In the opinion of some of the members of the Group, the present unwillingness of the states to accede to the act resulted from the realization of the dangers of accepting limitations on sovereignty, under the present circumstances, even to the limited extent envisaged by the act.

The consensus of the Group was that it was difficult to suggest any new technique or any new organ for facilitating the pacific settlement of disputes. One opinion expressed was that the success of attempts by the United Nations to bring about the pacific settlement of international disputes would depend upon the individuals employed for the purpose and to some extent upon the nature of the disputes themselves. The members of the Study Group realized the importance of the participation of the great powers in good offices commissions. In this connection the pressure exerted by the United States in favor of a settlement in Indonesia was

¹ General Assembly Resolution 268 (III), 28 April 1949.

cited. At the same time the danger of the big powers bringing their own interests into the treatment of other questions was also pointed out.

In the Group's view it was unrealistic to expect that arbitration would be used on an extensive scale in the settlement of international disputes in the near future. The Group was of the opinion that India itself should not enter into arbitration agreements at present in view of the judicial methods involved and in view of the fact that a party to a dispute would have to give the undertaking that it would accept the final verdict.² Issues which involved fundamental political interests were, in the Group's view, better left to settlement through negotiation. The Group was not at all enthusiastic about creating a subsidiary organ of the United Nations for conciliation and mediation. In their opinion the problems arising from attempts at pacific settlement of international disputes would not be solved by providing a new machinery for the purpose. The members of the Group concluded that it was not desirable to have any rigid rules for conciliation and negotiation; instead machinery appropriate for the occasion must be found to tackle each question.

INDIA-PAKISTAN DISPUTE OVER KASHMIR

Among the issues that have come before the United Nations, the one in which India has been most vitally interested is the India-Pakistan dispute over Kashmir. The Indian government's memorandum, submitted to the United Nations Security Council on 1 January 1948, requested the Council to call on the government of Pakistan: (1) to prevent its personnel, military and civil, from participating in, or assisting, the invasion of the state of Jammu and Kashmir; (2) to call upon its nationals to desist from taking

² It should be noted, however, that according to the Constitution of India, it is the duty of the government to "foster respect for international law" and "encourage settlement of international disputes by arbitration" (Constitution of India, Part IV, Directive Principles of State Policy, Article 51).

any part in the fighting in the state; (3) to deny to the invaders military and other supplies, all other kinds of aid which might tend to prolong the struggle, and use of its territory for operations against Kashmir.

The Foreign Minister of Pakistan stated that the issue of Kashmir could not be considered in isolation and asserted that: (1) the present conflict had its origin in the events in the Punjab and in India's attitude toward the accession of Junagadh and other states to Pakistan; (2) a preplanned and extensive campaign of genocide had been carried out in India; (3) India had never wholeheartedly accepted partition and had since June 1947 been making persistent efforts to undo it; (4) India had obtained Kashmir's accession by fraud and violence.³

The discussion in the Security Council showed that most members were not prepared to accept the Indian view that the primary task of the Council was to secure the withdrawal and expulsion of the raiders from Kashmir and the immediate cessation of hostilities. They were inclined to emphasize the importance of holding a plebiscite to decide the question of the accession of Jammu and Kashmir and they were particularly concerned with its organization and supervision by an impartial international commission. One of the first resolutions of the Council established the United Nations Commission for India and Pakistan. It consisted of Argentina, Belgium, Colombia, Czechoslovakia, and the United States. The Commission was to proceed to the sub-continent and offer its good offices and mediation to India and Pakistan for the restoration of peace and order and for the holding of a plebiscite. The resolution also provided for the appointment in due course of a special officer—the Plebiscite Administrator, to be nominated by the Secretary-General of the United Nations and confirmed in office by the Indian government on behalf of the government of Kashmir.

³ For the original complaints submitted to the Council, see Security Council, Official Records (S.C.O.R.): 3rd Yr., Supple. for Nov., Annex 28, pp. 67-87 and 139-44.

He was to direct and supervise the holding of a free and impartial plebiscite to decide whether the state should accede permanently to India or to Pakistan.⁴

The Indian representative complained that scant consideration was given by the Council members to the continuing breach of international obligations by Pakistan and he emphasized India's obligation for the defense of Kashmir. Ever since the Council began to discuss the Kashmir problem, it has been quite clear that the view of the majority of the members of the Council has been different from that of India in regard to the following issues: (1) the legal sanction behind the government of Kashmir; (2) the validity of the state's accession to India; (3) Pakistan's aggression in Kashmir; (4) the role of the United Nations in the organization of a plebiscite. On 3 June 1948, the Council passed another resolution directing the Commission to study and report to the Council on other questions, namely, Junagadh, genocide, and non-implementation of financial and military agreements between India and Pakistan.

The Commission, when it came to India, was convinced by the documentary evidence presented to it by the Indian government that regular Pakistani troops were participating in the operations in Kashmir and it stated that the presence of these troops in the state constituted a material change in the situation since the Commission was sent out by the Security Council.

On 13 August 1948, the Commission submitted to the governments of India and Pakistan a three-part resolution containing recommendations for a cease-fire, a truce agreement, and a plebiscite to determine the future status of Kashmir. The following principles were suggested as a basis for the truce agreement: (1) The government of Pakistan was to "withdraw its troops" and "use its best endeavour" to secure the withdrawal of tribesmen and Pakistani

⁴ On 20 January 1948, the Security Council adopted a resolution establishing a three-member commission. On 21 April 1948, the Council adopted another resolution increasing the membership of the commission to five; modifying its terms of reference; and providing for the holding of a plebiscite and the establishing of a plebiscite administration.

nationals not normally resident in the area. (2) "Pending a final solution," the territory evacuated by Pakistani troops was to be "administered by the local authorities under the surveillance of the Commission." (3) After the Commission notified the government of India that tribesmen and Pakistani nationals had withdrawn, the government of India would agree to withdraw the bulk of its forces from the state "in stages to be agreed upon with the Commission." (4) The government of India would maintain, "within lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission," were considered necessary "to assist the local authorities in the observance of law and order."⁵

India, after obtaining clarification on certain points, accepted the proposal, but Pakistan expressed certain reservations relating to the organization of the plebiscite. The Commission then sought for an agreement on principles for a plebiscite and its proposals were accepted by the two parties. Cease-fire orders came into effect on 1 January 1949. The Commission's plebiscite proposals were then embodied in a formal resolution on 5 January 1949.

Although this resolution, as well as the resolution of 13 August 1948, was accepted by the two governments, it could not be implemented because of the difference of opinion which arose regarding interpretation. The assurances the two parties had received from the Commission became a source of conflict.

India was assured by the United Nations Commission that the powers and functions of the Plebiscite Administrator would be limited to ensuring that the plebiscite was free and impartial; that Pakistan would, first of all, withdraw its forces; and that there should be a large-scale disarmament of the *Azad* (Free) Kashmir forces. The Commission did not give clear and definite replies to the questions raised by India in regard to the possibility of the entry of unauthorized persons into the state and to the raising

⁵ S.C.O.R., 3rd Yr., Supple. for Nov., pp. 32-34.

of fanatical slogans like "Islam in danger" by pro-Pakistani elements.

The Pakistani government communique, issued on 16 January 1949, stated that the area occupied by Pakistani forces would remain under the control of the *Azad* Kashmir forces and that the Commission did not contemplate the disarmament or disbandment of these forces of the local authorities. Pakistan accepted the duty to withdraw its armed forces from the state, but insisted that the number of Indian troops to be retained during the truce period in the state should be the minimum required for the maintenance of *internal* security and law and order.

The terms "bulk," "local authorities," and "surveillance of the Commission" created much controversy later and were perhaps the principal reasons for the complete failure of the negotiations for a truce agreement. On 28 April the Commission itself took the initiative and presented the following truce terms. Should the Commission and/or the Plebiscite Administrator decide that it was necessary for Kashmir's defense, India would be permitted to station troops in the northern area.⁶ The Commission set forth detailed schedules for the withdrawal of all Pakistani forces and the bulk of the Indian troops, in accordance with the provisions of the 13 August resolution. The general provisions in the Commission's proposals reiterated that, "the territory evacuated by Pakistan would be administered by the local authorities under the surveillance of the Commission."⁷ Neither party accepted these proposals. The most important difference of opinion concerned the disarmament of *Azad* Kashmir forces and proposals in regard to the northern area.

The Commission on 30 August 1949 proposed that the points at issue be submitted to arbitration. Pakistan accepted the proposal, but India rejected it. By this time another important development

⁶ Refers to the sparsely populated and mountainous northern region of the territory of Jammu and Kashmir.

⁷ S.C.O.R., 4th Yr., Special Supple. No. 7, pp. 111-13.

had made the solution of the problem very difficult. Between August 1948 and the summer of 1949 the *Azad* Kashmir forces had grown from a small, poorly equipped military force into an army of thirty-two well equipped battalions.

In its final report of 9 December 1949, the Commission made three principal recommendations, all of which were to be incorporated in future mediation efforts:⁸

(a) The five-member Commission should be replaced by a single representative with broad powers to settle the problem. (This found practical expression in the appointment of Sir Owen Dixon in April 1950.)

(b) "The problem of demilitarization must be treated as a whole," i.e., it was necessary to bring about a synchronized withdrawal of all forces. (This recommendation was to become the guiding principle of the McNaughton proposals of December 1949 and the four-power resolution of March 1950.)⁹

(c) With regard to a plebiscite, all points of difference concerning prior demilitarization might appropriately be submitted to arbitration. (Such a suggestion was embodied in the resolution sponsored jointly by the United States and the United Kingdom and adopted by the Security Council in March 1951.)

The Czech delegate on the Commission did not agree with the majority view that the negotiations were wrecked because of the intransigent attitude of the two governments. According to him "the reasons for the insolubility of these problems must be sought just in the short-comings of the resolution of 13 August 1948."

⁸ *Ibid.*, pp. 60-63.

⁹ This resolution, sponsored jointly by Cuba, Norway, the United Kingdom, and the United States, was adopted by the Security Council at its 470th Mtg. on 14 March 1950.

He submitted a minority report in which he made the following observations:¹⁰

(a) The Commission's cancellation of the proposed joint conference, scheduled for 22 August 1949, was a serious error, for both governments, despite their disagreement on the agenda, had agreed to such a conference.

(b) The Commission had "deeply underrated" the significance of the "*Azad* forces" and failed altogether to take into account the situation in the "northern area," on which two problems the Commission's subsequent work "kept on foundering."

(c) The proposal for arbitration went beyond the Commission's terms of reference.

(d) The arbitration proposal was communicated to the British and American governments even before India and Pakistan were informed, making possible public pressure by Washington and London, as reflected in the joint appeal by President Truman and Prime Minister Attlee on 31 August 1949 that all points of difference be settled by arbitration.

In contrast to the majority recommendation that the Commission be replaced by a single representative, the minority report proposed a new commission on which representatives of all members of the Security Council would be represented.

On 17 December 1949 the Council asked its President, General McNaughton, to meet informally with the parties and examine the possibilities of finding a mutually satisfactory basis for dealing with the questions at issue. His proposals were:¹¹

(a) "the withdrawal . . . of the regular forces of Pakistan; and the withdrawal of the regular forces of India not required for purposes of security or for the maintenance of local law and order on the Indian side of the cease-fire line;"

¹⁰ S.C.O.R., 4th Yr., Special Supple. No. 7, pp. 195-204.

¹¹ S.C.O.R., 5th Yr., Supple. for 1 Jan.-31 May 1950, pp. 14-16.

- (b) "the reduction, by disbanding and disarming, of local forces, including on the one side the armed forces and militia of the State of Kashmir and on the other, the *Azad* forces;"
- (c) the inclusion of the northern area in this program of demilitarization and its continued administration by the existing local authorities, "subject to United Nations supervision."

He also suggested the appointment of a single United Nations representative to supervise the demilitarization program and to interpret agreements between the two parties concerning the reduction and disposition of forces. In general Pakistan accepted these proposals but India did not. The latter demanded that only the *Azad* Kashmir forces should be disbanded, and that the responsibility for the defense and administration of the northern area should rest with India and the Kashmir government, instead of with the "existing local authorities."

A resolution, based on these proposals, was adopted by the Security Council on 14 March 1950. India rejected it; Pakistan accepted it. The resolution, in contrast with the earlier suggestion of the Commission, proposed simultaneous withdrawal of the opposing armies and the disbandment of the state militia of the Kashmir government, as well as the *Azad* Kashmir forces. This meant that Pakistan's claim to equality with India as a party to the Kashmir dispute was accepted by the Council.

In accordance with this resolution Sir Owen Dixon, an Australian jurist, was appointed as United Nations Representative for India and Pakistan. After coming to India Dixon was prepared to accept the view that the crossing of the frontiers of the state by hostile elements and regular Pakistani forces had been contrary to international law. He also suggested that Pakistan should withdraw its forces first, then Indian troops should be withdrawn and both the Kashmir state forces and *Azad* Kashmir forces should be disarmed and disbanded.

For the northern areas, Dixon proposed the appointment of political agents representing the United Nations. In the territory west of the cease-fire line, he proposed attaching to each district magistrate a United Nations officer who would have supervisory powers and would report to the United Nations Representative. On the Indian side of the cease-fire line, United Nations officers would also be posted with each district magistrate. Their duties would include observation, inspection, remonstrance, and report.

As an alternative to these proposals, Sir Owen Dixon suggested the establishment of a unified government for the entire state during the period of the plebiscite. This could be a coalition government, an administration of "trusted persons" outside politics with a United Nations chairman, or an administration composed entirely of United Nations representatives. These suggestions were rejected by India. Dixon then stated that the only chance of settlement lay in partition. He was against the Security Council's taking any further action.

Dixon's report¹² was rejected by both the parties but was more vigorously opposed in India than in Pakistan. The action the United Nations took in Korea brought forth fresh criticisms in India of the United Nations handling of the Kashmir dispute. A typical comment was: "For Kashmir, the U.N. Security Council has not even now been able to make up its mind to name and denounce the aggressor."¹³

There was a long period of silence by the Security Council. On 30 March 1951 a resolution was adopted providing for the appointment of a second United Nations Representative to succeed Dixon. He was instructed to effect the demilitarization of the state on the basis of the Commission's resolutions of 13 August 1948 and 5 January 1949. Concerning the points of difference on the interpretation of these resolutions, the Council called on India and

¹² See S.C.O.R., 5th Yr., Supple. for Sept.-Dec. 1950, pp. 24-53.

¹³ *Hindustan Standard*, 26 July 1950.

Pakistan to accept arbitration in the event that discussions with the United Nations Representative failed to result in full agreement. The resolution also criticized India for sanctioning the convening of a constituent assembly in Kashmir to determine the future affiliations of the state.

Pakistan accepted the resolution, but India rejected it. Dr. Frank Graham was subsequently appointed as the United Nations Representative. His first report¹⁴ was concerned with demilitarization and suggested a "single, continuous process" to be completed within a period of ninety days. On the Pakistani side of the cease-fire line, there was to be a withdrawal of Pakistani nationals, tribesmen, and troops and the large-scale disbandment and disarmament of the *Azad* Kashmir forces. On the Indian side, the bulk of the Indian troops were to be withdrawn and later (i.e., after the ninety day period) there were to be further withdrawals or reductions of Indian and state armed forces. Dr. Graham also suggested that the formal appointment of the Plebiscite Administrator should be ensured by India "not later than the final day of the demilitarization period."

The principal points of difference between the parties were: the timing of the demilitarization, the process for withdrawal of troops, the size of forces to be left on each side after the demilitarization process was completed, and the question of appointing a Plebiscite Administrator. Graham's first report disappointed Pakistan, but seemed to have satisfied India.

In his second report,¹⁵ Graham suggested that the demilitarization process should be completed by 15 July 1952 and that the forces remaining on each side of the cease-fire line, after that date, should be the lowest possible number based in proportion to the number existing on each side on 1 January 1949. This was not accepted by the two parties.

¹⁴ S.C.O.R., 6th Yr., Special Supple. No. 2.

¹⁵ S.C.O.R., 7th Yr., Special Supple. No. 1.

Again the main differences between the two governments were in regard to the same issues. The Indian delegate commenting on this second report said:

. . . a definite period for demilitarization and the date for the formal induction into office of the Plebiscite Administrator, could, I think, be settled without difficulty, provided that agreement were reached on the scope of demilitarization and the quantum of forces that would remain at the end of the period of demilitarization, and that the programme agreed upon for this purpose were satisfactorily implemented.¹⁶

By the time Graham submitted his third report in April 1952, some progress had been made toward agreement on the withdrawal of Pakistani and Indian forces from the territories of the state, on the withdrawal of troops from the frontiers, and in regard to the Plebiscite Administrator. As Graham stated: "The chief remaining obstacle is the difference over the number and character of forces to be left on each side of the cease-fire line at the end of the period of demilitarization."¹⁷ On this point India maintained its position: retention of about 21,000 troops on its side of the line, including the state militia of approximately 6,000. Furthermore, India suggested that on the Pakistani side, there should exist a civil force of 4,000, of which only half would be armed, and which would be under the command of United Nations officers. Pakistan abandoned its previous preference for the retention of 4,000 troops by each party and accepted Graham's previous proposal for retention of "the lowest possible number of armed forces" in proportion to those "existing on each side of the cease-fire line on 1 January 1949." India was willing to negotiate on the "chief remaining obstacle" but rejected Graham's proposal that the Plebiscite Administrator-designate be associated with the United Nations Representative in further talks with the parties. Pakistan was disappointed.

¹⁶ S.C.O.R., 7th Yr., 572nd Mtg., 31 Jan. 1952, p. 6.

¹⁷ S.C.O.R., 7th Yr., Special Supple. No. 2, pp. 1-19.

Graham made another effort at mediation, which was also unsuccessful. As he noted in presenting his report to the Council:

. . . the narrowing of the differences . . . to one main point, upon which the whole plan depends, emphasizes the depth of the difference on this point . . . It is related to the differing conceptions of the two Governments . . . relating to first, the status of the State of Jammu and Kashmir, secondly, the nature of the responsibilities of the appropriate authorities on each side of the cease-fire line after demilitarization, and thirdly, the obligations of the two governments under the two resolutions of 13 August 1948 and of 5 January 1949.¹⁸

On 6 November 1952 a draft resolution, sponsored by the United States and the United Kingdom, was discussed in the Council. It urged the two states to enter into "immediate negotiations" concerning the specific number of forces, suggesting as did Graham, 3,000 to 6,000 for Pakistan and 12,000 to 18,000 for India, excluding the Kashmir State Militia and the Gilgit scouts. In his speech the British delegate also raised the question of the possible use of a "neutral force" in Kashmir during the plebiscite. The Indian delegate rejected this proposal as well as the provision in the draft resolution, stating that 21,000 Indian troops was the "absolute minimum," assuming that all *Azad* Kashmir forces would be disarmed. The Pakistani delegate said that he would not object to the presence of 28,000 Indian troops and to the withdrawal of Pakistani troops but he made no reference to the *Azad* Kashmir forces. The Council adopted the resolution on 23 December 1952.¹⁹ India rejected it; Pakistan accepted it. Graham again informed the Security Council on 23 January 1953 that the two parties had agreed to make another effort to resolve the impasse but his further efforts were also fruitless.

The crux of the problem is the fundamental disagreement between India and Pakistan on the origin of the problem and the proper

¹⁸ S.C.O.R., 7th Yr., 605th Mtg., 10 Oct. 1952, p. 22.

¹⁹ For the text of the resolution as adopted, see S.C.O.R., 7th Yr., Supple. for Oct., Nov. and Dec., 1952, p. 66. For the text of the original United States-United Kingdom proposal, see *ibid.*, p. 54.

role of the United Nations in its solution. India contends that the original accession of the Kashmir government to India is legal and this means that, in regard to the plebiscite and demilitarization, India has certain responsibilities and powers which Pakistan does not have. According to this view Pakistan committed an act of aggression when it allowed the tribesmen and its nationals to invade Kashmir.

The United Nations Security Council has not expressed an opinion on any of these issues. India has very often demanded that the Council must declare Pakistan an aggressor. The Dixon report came close to admitting that Pakistan has violated international law. On the other hand, such a declaration would not perhaps have facilitated the pacific settlement of the dispute. (One of the members of the Study Group pointed out that India's demand that Pakistan be declared an aggressor was inconsistent with its general approach of emphasizing the conciliatory and mediatory functions of the United Nations.)

During the negotiations connected with the Kashmir question India showed no preference for any particular United Nations machinery. The United Nations Commission and the United Nations Representatives had to work within the framework of the Security Council resolutions, which India had, as a rule, rejected. It is doubtful whether any different machinery would have helped the situation. In regard to the handling of the Kashmir question by the United Nations, there was a widespread feeling in India that the decisions of the Council and many of the actions of the United Nations representatives on the spot were influenced by the strategic and other interests of some big powers.

The Study Group discussed the Kashmir question at some length. It was noted that some Indians felt the government committed a blunder in referring the issue to the United Nations. These people believed that India's case was completely just and that the decisions of the Security Council were influenced by power politics. Some members of the Study Group stated that, once

having referred the issue to the United Nations, India ought to have accepted the Security Council's decisions and acted in accordance with them. Against this view other members contended that there was no obligation on the parties concerned to accept all the decisions of the United Nations and they pointed out that, in regard to Kashmir, India had to some extent departed from its original position and had accepted some, though not all, of the recommendations of the United Nations Representatives.

Arbitration, as a method of solution, found no favor in the Group. The problem of Kashmir is in fact a difficult one for a solution under international auspices. Only direct negotiations between the parties concerned could, it was felt, lead to a satisfactory settlement. Some members of the Group stated that both India and Pakistan should not rule out Dixon's suggestion for partition of the state or any of the other proposals so far put forward. What was important was that the ultimate solution should be acceptable to both parties. There was no doubt that to find such a solution some rethinking of various issues by both governments is necessary.

Disarmament and Collective Enforcement Measures

India's attitude toward disarmament, international control of atomic energy, and collective enforcement measures is naturally influenced by its basic approach to the role of the United Nations in matters of war and peace. As pointed out in the chapter on structural and organizational questions, India has emphasized the desirability of improving the machinery of the United Nations for the tasks of peace rather than those of war, even a war waged in accordance with a General Assembly resolution. This same criterion has guided India in its examination of the specific proposals which have come up before the United Nations concerning disarmament and international control of atomic energy.

As already noted India did not support those provisions in the "Uniting for Peace" resolution which recommended that each member state maintain within its national armed forces elements so trained, organized, and equipped that they could be promptly

made available to the United Nations. In this chapter we will note that India did not co-operate with the work of the Collective Measures Committee established under this resolution.

The Indian attitude toward the United Nations action in Korea is treated here separately. It was unique in many respects. Unlike the Communist states, India accepted the Security Council resolution stating that a breach of the peace had occurred in Korea, but on many vital issues it did not go so far as the Western states and others who sent their armed forces to Korea.

DISARMAMENT

As to the questions connected with disarmament, up to the year 1951 they were dealt with by the United Nations under two separate headings: (a) control of atomic energy; (b) regulation of conventional armaments. Later they were more or less merged under one broad heading "disarmament."

International Control of Atomic Energy: In January 1946 the General Assembly adopted a resolution establishing a commission on atomic energy, composed of the states represented on the Security Council and Canada. The Commission in its first report dated 30 December 1946 stated that "scientifically, technologically, and practically it is feasible . . . to control atomic energy . . . [and] that the development and use of atomic energy are not essentially matters of domestic concern of the individual nations, but rather have predominantly international implications and repercussions."¹

The members of the Commission were far from unanimous when they began to discuss a plan for international control. The United States plan, which had the support of the majority, recognized the "international implications" of the problem and noted that, up to a very advanced stage of manufacture, the production of atomic energy for peaceful or destructive uses involved identical and

¹ Atomic Energy Commission, *Official Records: 1st Yr., Special Supple.*, pp. 15-16.

inseparable processes. In the light of these facts, the majority plan submitted that the international control agency should acquire control or ownership of all source material from the moment it was removed from its place of deposit in nature. The agency would have the authority to determine, in each case, whether it would own, operate, and manage any source material refinery or whether it would license the operation. The agency was to have the right to conduct thorough inspection of any part of the territory of any state, subject to appropriate procedural requirements and limitations designed to prevent possible abuse of the powers given to it. For the performance of this function and other duties, the representatives of the international agency would have to have unimpeded rights of ingress, egress, and access. As an integral part of such a comprehensive system of control, proposals were made for prohibiting the manufacture, possession, and use of atomic weapons and for the disposal of any existing stocks. It was specifically stated that no government would have the power, through the exercise of any right of veto, or otherwise, to obstruct the course of control or inspection. The Commission examined this plan in detail to determine how it might work in practice and sent a second report on this matter to the Security Council in September 1947.²

The Soviet Union opposed this plan on the ground that it constituted an unwarranted infringement of national sovereignty and submitted its own proposals in June 1946. These were further elaborated in June 1947. Although the Soviet Union admitted that international inspection and investigation were a necessary condition of any plan of international control, it opposed the idea of continuous inspection and insisted that inspection should be confined to facilities and materials which nations themselves reported to the international agency. The Soviet Union also maintained that any atomic energy authority must be subject to the jurisdiction of the Security Council.

² Atomic Energy Commission, *Official Records: 2nd Yr., Special Supple., Second Report to the Security Council*.

According to the Soviet proposals the individual states themselves should be responsible for carrying out the provisions of any international convention that might be agreed upon. In the Soviet view "supervision, management, and licensing do not follow from the tasks of strict and effective international control."³ The Soviet proposals also called for the immediate outlawing of atomic weapons and the destruction of existing stocks. The majority of the members of the Commission felt that the Soviet proposals were fundamentally inadequate for the control of atomic energy and that "it is completely unrealistic to expect any nation to renounce atomic weapons without any assurance that all nations will be prevented from producing them."⁴

At the third session of the General Assembly the Soviet Union continued to maintain that any control agency, outside the Security Council, would be American and not international in character; but it relaxed its two-year stand by offering a compromise which called for simultaneously outlawing atomic weapons and setting up an international control body. Although this proposal found some support from non-Communist states, the Western powers opposed it and it was later rejected by the Assembly.

By 1948 the conflicting views of the two big powers had taken very crystallized and definite shape. India was keenly interested in finding a compromise proposal acceptable to both groups because of the bearing of this issue on other questions of war and peace. During the 1948 session of the General Assembly, a sub-committee was created to work out a compromise resolution on this matter. The Indian delegate, who was elected chairman of the sub-committee, submitted a draft resolution by which the General Assembly would approve in substance the general findings and recommendations of the Atomic Energy Commission and call upon the Commission to resume and continue its work. In placing his proposals before

³ *Ibid.*, p. 95.

⁴ See Atomic Energy Commission, *Official Records: 3rd Yr., Special Supple., Third Report to the Security Council*, p. 39.

the sub-committee, the Indian delegate told the members that for nations, as for men, the moment had come when they could save themselves by an act of faith. The Indian proposals were not accepted by the other sub-committee members, the delegates of the United States and the United Kingdom expressing the view that the areas of disagreement between the Western powers and the Soviet Union would be widened rather than reduced by resumption of the Commission's work at that stage.

Some willingness to compromise was shown by the big powers by the time the issue was discussed in plenary session. The original Canadian proposal (which the Western powers supported) would have had the General Assembly approve the suspension of work of the Atomic Energy Commission, and would also have had the Assembly pronounce judgment on the refusal of the Soviet Union to agree to the far-reaching control plan elaborated by the majority in the Commission.⁵ As a result of the efforts of Australia and India, supported by several Latin American states, and under the influence of the Soviet claim that it was willing to compromise, the United States, the United Kingdom, and Canada agreed to keep the door open for further discussion. But still they were not prepared to go as far as India wished.

In the plenary session India submitted a compromise proposal that the Assembly approve the Western powers' control plan only in substance and that the Atomic Energy Commission be instructed to draft a treaty as quickly as possible. The Assembly rejected these proposals. It accepted a revised version of the Canadian draft resolution which stated that the Commission should continue the study of subjects which it considered useful and that the Big

⁵ For the text of the Canadian draft resolution, see General Assembly, Official Records (G.A.O.R.): 3rd Sess., 1st Part, 1st Ctte., Annexes, pp. 3-4. The Canadian proposal called for approval by the General Assembly of various parts of the three reports of the Atomic Energy Commission, including Part I of the third report which stated that "the majority of the Commission" had been "unable to secure the agreement of the Soviet Union to even those elements of effective control considered essential from the technical point of view..."

Five and Canada should meet to explore whether there existed a basis of agreement. The Assembly also approved the majority plan as constituting the necessary basis for establishing an effective system of international control of atomic energy.

It is not only India's desire for the maintenance of international peace that is responsible for its definite stand on international control of atomic energy. India is also keenly interested in the use of atomic energy for peaceful purposes and cannot therefore take an indifferent attitude toward questions connected with its control.

Other member states have also focussed attention on this matter. For instance, the draft convention on international control of atomic energy, proposed by the Soviet Union, stated that the great scientific discoveries connected with atomic energy were of great importance to underdeveloped countries. For countries like China, India, and the underdeveloped areas of the Soviet Union, cheap, abundant power, as might be available from atomic sources, could, under certain conditions, be of enormous importance in raising the living standards and bringing them to some reasonable parity with those existing in the United States and Western European countries. These underdeveloped countries cannot, therefore, forego any opportunity to develop atomic energy for industrial purposes; nor can they allow any international organization, dominated by industrially advanced countries, to control their activities in regard to the development of atomic energy. This problem is further complicated, as already noted, by the fact that the development of atomic energy, whether for peaceful or destructive uses, has identical and inseparable processes up to a very advanced stage of manufacture.

The Indian delegate emphasized these facts during the discussions at the 1948 session of the General Assembly. She said that India could not accept in its entirety the Western powers' plan for international ownership of atomic raw materials and of the chief production processes, as atomic energy would play an important part in an underdeveloped and underpowered country like India.

The Indian government recognized the importance of atomic energy as a source of power and did not favor its unconditional control by an outside agency, because it would be difficult to isolate the economic aspects of atomic energy from the economic aspects of other raw materials capable of producing power and from all raw materials which were of value to man.⁶

General Regulation and Reduction of Armaments: On the question of the general regulation and reduction of armaments, India has not put forward any specific proposals. The Indian government has felt that the solution of problems in this field depends essentially on agreement between the United States and the Soviet Union. In 1953 the Indian delegate told the General Assembly that it was to be hoped that the small powers, instead of supporting either of the two camps, might act as catalytic agents. The proposals for the numerical limitation of armed forces suggested by one side, and the reduction by one-third suggested by the other, might be combined in one proposal. It was on the basis of such considerations, he declared, that India would support any proposal for continuing the work of the Disarmament Commission.⁷

Views of the Study Group: The Study Group's discussions on questions connected with disarmament and international control of atomic energy were more or less confined to indicating how the Indian government's approach to the problem should be explained in this study. Like the government, the members of the Group also felt that real disarmament could be achieved only if the existing tensions in the international field were considerably reduced. They were also opposed to any system of control of atomic energy which would amount to international ownership of raw materials. There was not much support for the view expressed by one of the members that, if the Soviet Union was unwilling to co-operate on this matter, other states should go ahead with establishing their own agency

⁶ G.A.O.R., 3rd Sess., 1st Part, 156th Plenary Mtg., 4 Nov. 1948, pp. 422-23.

⁷ G.A.O.R., 7th Sess., 1st Cttee., 581st Mtg., 21 March 1953, pp. 497-98.

of control. One of the members envisaged a situation in which the advance of science would make it possible to spot the manufacture of an atomic bomb in any part of the world. He said that in such a situation it would be possible to establish a quota system of allocation of atom bombs. As this opinion was more or less an expression of hope and concerned technical and scientific aspects of the problem, the Group did not discuss it at length. On the question of disarmament and the international control of atomic energy, the members of the Study Group felt that it would be unrealistic to make any proposal unrelated to the power situation and political forces at work.

UNITED NATIONS ARMED FORCES

Article 43 of the Charter concerns the special agreements by which member states are to make available to the Security Council armed forces for the purpose of maintaining international peace and security. Owing to the tension in the international field, it has been impossible to accomplish anything by way of implementing this provision in the Charter.

However, the "Uniting for Peace" resolution of 1950 did take some steps regarding the placing of armed forces at the disposal of the United Nations. It invited each member to survey its resources in order to determine the nature and scope of the assistance it might render in support of United Nations recommendations for the maintenance of international peace and security. It also recommended that each member maintain within its national armed forces elements so trained, organized, and equipped that they could be promptly made available to the United Nations. The members were also invited to inform the Collective Measures Committee, established under the resolution, of the measures taken in this direction. This Committee was directed to study and report on these and other methods which might be used to maintain and strengthen international peace and security.

India informed the Committee that, in the existing international situation, it believed the creation of a United Nations force would emphasize the compulsive rather than the mediatory functions of the United Nations and would, therefore, not help in the creation of a proper psychological atmosphere for the preservation of peace. Moreover, it was pointed out that the Indian army was a force designed purely for internal defense and did not include an expeditionary element for service overseas. Nor would it be possible for India, in its existing financial condition, to establish such an expeditionary element, even if there were no objection in principle. India proposed, therefore, to take no steps in implementation of the Assembly's resolution.

The first report of the Collective Measures Committee,⁸ submitted to the Assembly in October 1951, envisaged the use of political, military, economic, and financial measures and declared that the immediate objective of the United Nations action should be to defend the territorial integrity and political independence of a victim of aggression. The report also stated that all member states should give fullest possible support to collective measures taken by the United Nations and that wherever collective military action was taken a state or group of states should be designated by the United Nations as the executive military authority responsible for the co-ordination and strategic direction and control of military operations.

This report was generally supported by the Western powers and their allies. The Soviet representative said that such recommendations were contrary to the Charter, which provided that the Military Staff Committee under the Security Council should be the controlling organ. The Assembly in January 1952 adopted a resolution, noting the report, and recommending that members take appropriate steps to carry out the recommendations in the "Uniting for Peace" resolution.⁹ The resolution also directed the Collective Measures

⁸ G.A.O.R., 6th Sess., Supple. No. 13.

⁹ General Assembly Resolution 503 (VI), 12 Jan. 1952.

Committee to continue its studies, taking into account both regional and self-defense arrangements. Non-members were invited to consider ways and means, in economic and other fields, whereby they could contribute most effectively to collective measures undertaken by the United Nations. The Indian delegate, who abstained from voting, stated that India could not agree to the recommendations relating to the maintenance of national units for service under the United Nations, since it gave the impression that the Organization was more concerned with perfecting its enforcement machinery than with promoting international co-operation and goodwill.

The second report of the Collective Measures Committee,¹⁰ submitted to the 1952 session of the Assembly, emphasized the importance of providing machinery which would be ready for use in collective action. The Committee drew up three lists of materials on which a selective embargo might be applied: (1) a list of arms, ammunition, and implements of war; (2) a reference list of items of primary strategic importance, which may be as important for an aggressor as arms and ammunition; and (3) some strategic items which may be of importance in a specific situation, such as industrial equipment, metals, minerals, chemicals, petroleum, and rubber. The Committee also stated that the measures of assistance to victims of aggression, set forth in the first report, might also be appropriate in cases of hostile economic pressure constituting a threat to the peace.

On 17 March 1953 the Assembly adopted a resolution asking member states to continue to intensify their efforts to carry out the recommendations of the "Uniting for Peace" resolution and the related resolution of January 1952.¹¹ The Assembly also requested the Collective Measures Committee to continue its work and to pursue its studies for strengthening the ability of the United Nations to maintain peace and security. India did not support the resolution.

¹⁰ G.A.O.R., 7th Sess., Supple. No. 17.

¹¹ General Assembly Resolution 703 (VII), 17 March 1953.

In explaining the Indian position, Mrs. Pandit recalled India's opposition to the establishment of the Committee and suggested that "the United Nations should devote itself to a study of measures for the peaceful settlement and conciliation of disputes." This, she stated, "was more urgent and more constructive than the study of coercive measures."¹²

It is almost certain, that, under the circumstances, India will not give much co-operation to the work of the Committee.

UNITED NATIONS ACTION IN KOREA

The stand India took on the United Nations action in Korea in June 1950, and later, reveals to a great extent the Indian attitude toward the United Nations in general and toward the enforcement of collective measures under its auspices in particular. In the first resolution adopted on 25 June 1950 the Security Council noted "with grave concern the armed attack upon the Republic of Korea by forces from North Korea" and expressed the opinion that it constituted a breach of the peace.¹³ The resolution called for immediate cessation of hostilities and called upon the authorities of North Korea to withdraw their armed forces to the thirty-eighth parallel forthwith. The Security Council also called upon all members to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities. India, along with eight other Security Council members, voted for the resolution.

On 27 June 1950 the President of the United States ordered United States air and naval forces to give the South Korean government troops cover and support. Later, on the same day the Council passed another resolution which recommended that the members of the United Nations furnish such assistance to the Republic of

¹² G.A.O.R., 7th Sess., 1st Ctte., 575th Mtg., 16 March 1953, p. 454.

¹³ Security Council, Official Records (S.C.O.R.): 5th Yr., No. 15, 473rd Mtg., 25 June 1950, pp. 7-8, 13-14.

Korea as might be necessary to repel the armed attack and to restore international peace and security in the area. The representative of India, not having received instructions from his government, did not take part in the vote on that resolution. On 30 June 1950 he announced that his government accepted the resolution because it was "opposed to any attempt to settle international disputes by resort to aggression." The halting of aggression and the quick restoration of peaceful conditions were essential preludes to a satisfactory settlement. It was also made clear that the acceptance of this resolution did not involve any modification of India's general foreign policy. The Indian delegate explained:

This policy is based on the promotion of world peace and the development of friendly relations with all countries. It remains an independent policy which will continue to be determined solely by India's ideals and objectives. The Government of India earnestly hope that even at this stage it may be possible to put an end to the fighting and to settle the dispute by negotiation.¹⁴

It was this emphasis which India placed on negotiation even at the time it accepted the Security Council's recommendation for collective measures that made the Indian attitude different from that of other governments which accepted the decision. It is also significant that the Indian government did not send armed forces to Korea. It sent only a field ambulance unit and offered on 29 July 1950 to send, if needed, a small surgical unit from its regular defense forces. The reason given by the government for not sending the Indian armed forces was that they were only adequate for the defense of the country. But many observers thought that this decision was also influenced by the Indian government's desire to play a mediatory role in the Korean crisis. There was no doubt that, if the Indian army had participated in a full-scale war against the North Koreans, it would not have been possible for the Indian

¹⁴ *Ibid.*, No. 17, 475th Mtg., 30 June 1950, pp. 2-3.

government to play the part it did first in the negotiations and discussions on Korea held under the auspices of the United Nations and outside it and later in the Neutral Nations Repatriation Commission in 1953-54.

As early as 12 July 1950 India's Prime Minister took the initiative to seek a settlement of the dispute by peaceful means. On that day he sent personal messages to Premier Stalin and Secretary Acheson urging a speedy and peaceful settlement of the Korean dispute. The messages stated:

India's purpose is to localize the conflict and to facilitate an early peaceful settlement by breaking the present deadlock in the Security Council, so that representatives of the People's Government of China can take a seat in the Council, the Union of Soviet Socialist Republics can return to it, and, whether within or through informal contacts outside the Council, the United States of America, the Union of Soviet Socialist Republics, and China, with the help and co-operation of other peace-loving nations, can find a basis for terminating the conflict and for a permanent solution of the Korean problem.¹⁵

This was only one of India's many attempts to mediate for the settlement of Far Eastern problems. On 14 August 1950 India's permanent delegate to the United Nations, Sir Benegal Rau, suggested, without making any formal proposal, that the Security Council appoint a committee of the non-permanent Council members to study all proposals for a peaceful settlement of the Korean question. According to the proposal the committee would be free to hear any person it pleased and would submit recommendations to the Council by a specified date.

India's anxiety to localize the war in Korea and to lessen the tension in the Far East was evident on many other occasions. When the United Nations forces reached the thirty-eighth parallel,

¹⁵ United States Department of State *Bulletin*, Vol. XXIII, No. 578 (31 July 1950), p. 170

the General Assembly implicitly endorsed the attempt to unify the country by United Nations arms. The Assembly resolution, adopted on 7 October 1950, recommended that:

- (a) All appropriate steps be taken to ensure conditions of stability throughout Korea;
- (b) All constituent acts be taken, including the holding of elections, under the auspices of the United Nations, for the establishment of a unified, independent and democratic Government in the sovereign State of Korea;
- (c) All sections and representative bodies of the population of Korea, South and North, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections and in the establishment of a unified Government. . . .¹⁶

The Assembly's decision on this matter was of great importance because, after the Soviet delegate, with his right of veto, returned to the Security Council, the Council could not give any political guidance to the United Nations Command in the field and, in effect, the Assembly became the United Nations body concerned with Korea. The Indian government realized the gravity of the Assembly's resolution of 7 October and just before the vote its delegate told the Assembly that India "fears that the result may be to prolong North Korean resistance, and even to extend the area of conflict."¹⁷ He added that India viewed with the greatest misgivings the Assembly's decision to sanction the crossing of the thirty-eighth parallel by the United Nations forces.

Later India took an almost identical stand when the General Assembly adopted a resolution branding the Central Chinese People's Government an aggressor in Korea. The Indian delegate announced on 29 January 1951 that his government had been informed on the highest authority that, once a resolution condemning

¹⁶ General Assembly Resolution 376 (V), 7 Oct. 1950.

¹⁷ G.A.O.R., 5th Sess., 294th Plenary Mtg., 7 Oct. 1950, p. 230.

the People's Government of China was adopted, there would no longer be any hope of negotiation.

During the period leading up to the adoption of the 29 January resolution, India took a number of positive steps to find a solution to the problem by negotiation. On 12 December 1950 India, along with twelve other Arab-Asian states, sponsored a resolution requesting the President of the Assembly to constitute a group of three persons, including himself, to determine the basis for a satisfactory cease-fire and to make recommendations to the Assembly. India's delegate, Sir B. N. Rau, was chosen a member of the Cease-Fire Group constituted in accordance with this resolution. This Group in general, and the Indian delegate in particular, tried their very best to find a peaceful settlement to the dispute.

Although most of the attempts of the Indian government to find a basis for settlement were not successful, very often it could mobilize most of the Arab-Asian group, some important members of the Commonwealth, and a few other states in favor of its efforts to reduce the tension and indirectly pave the way for the restoration of peace in the area.

Perhaps the most important contribution India made to easing the tension in the Far East was in regard to the problem of prisoners of war. Armistice negotiations were started in Korea in July 1951; but the war continued in 1951 and 1952. One of the chief obstacles to a settlement was the disagreement on the question of the repatriation of prisoners of war. When this issue was discussed at the 1952 session of the General Assembly, India submitted a draft resolution which it later modified in order to get the support of the Western powers. The resolution was adopted by the General Assembly on 3 December 1952,¹⁸ and although the proposals in the resolution were at first rejected by the Communist governments, a settlement was ultimately reached more or less on the lines which India had suggested. India was the chairman of the Neutral Nations

¹⁸ General Assembly Resolution 610 (VII), 3 Dec. 1952.

Repatriation Commission which was subsequently established to implement the agreement concluded between the two sides. The Commission and the Indian Custodial Force, which took charge of the prisoners of war, played a very important role in the concluding stages of the settlement of the issue.

India's attitude on the whole Korean question was significant in many respects. While accepting the initial Security Council resolutions concerning the attack on the Republic of Korea and assistance to it, India at the same time emphasized the importance of settling the dispute by peaceful means. The fear that any major war involving the big powers, even if it was waged in the name of the United Nations, would lead to the disruption of the Organization rather than to the strengthening of it was ever-present in India's mind. This was the reason why India opposed the resolution branding the new government of China an aggressor. India's predominant aim was to preserve and promote the broad-based and universal character of the United Nations. The government of India never lost sight of this aim when it was formulating its policy toward collective enforcement measures, in general, and the United Nations action in Korea, in particular.

Many people in India felt that the lessening of the tension in the Far East depended to a great extent on giving the new government of China its proper place in the international community. In the United States, the opposition to Communist China's entry into the United Nations gathered further momentum and strength after the outbreak of war in Korea, while India began to champion Communist China's right to be represented more vigorously than before. A typical American attitude was: "No government must be allowed to shoot its way into the United Nations." In India, on the other hand, the popular view was that the United States was ignoring or failing to realize the importance of the emergence of the new China as a strong power in the international field. They also feared that the United States was attempting to convert the United Nations into an executive agent of an anti-Soviet alliance.

India wanted the United Nations to retain its broad-based and universal character even when it was taking enforcement action against one power or a group of powers.¹⁹

This difference in approach between India and the states which sent their armed forces to Korea very often led to severe criticism of India's policy. For instance, many Westerners likened India's policy in regard to Korea to the ill-fated events which led to Munich and maintained that this policy of appeasement would only result in further aggression. Opposition, particularly by the United States, to India's participation in the political conference envisaged in the Korean Armistice Agreement was undoubtedly based in large part on a lack of sympathy with India's policy.²⁰ On another occasion, the Americans for Democratic Action, a liberal organization in the United States, in an appeal to Prime Minister Nehru, stated: "... we find it tragic indeed that a great people such as yours, having fought for generations and fought successfully for its own freedom, should now, having attained it, seem blind to the grave threat to freedom to other parts of the world."²¹

Very few people in India have been convinced by the arguments put forward by these critics that India was appeasing the aggressors. India's Prime Minister, in his reply to the Americans for Democratic Action, stated that there were no fundamental differences of opinion between the Indian government and others who wanted to defend freedom. He added: "It is only as regards the methods to be

¹⁹ In this connection it should be noted that India, on various occasions, attempted to maintain a distinction between the United Nations as a participant in the military action in Korea (as represented by those members contributing forces) and the United Nations as a whole (i.e. the entire organization). See in particular the Indian proposals on the handling of the prisoners of war (G.A.O.R., 7th Sess., Annexes, Vol. I, Agenda item 16, pp. 32-35).

²⁰ The question of the countries to take part in this conference was discussed in the United Nations General Assembly in August 1953. A draft resolution recommending India's participation was adopted in committee by a small margin. It was later withdrawn and no vote was taken in plenary (G.A.O.R., 7th Sess., Annexes, Vol. I, Agenda item 16 (continued), p. 19).

²¹ For text see *The Hindu*, 4 Nov. 1951.

employed to achieve the purpose that you have felicitously described as the 'survival of freedom with peace' that differences exist."²² As noted earlier, these differences were wide enough for India to follow a policy very different from that of the United States.

Concerning collective enforcement measures and their use in Korea, the views of the Study Group were substantially in agreement with those of the government of India. Some members expressed their concern over the possibility that resort to force, initially undertaken in the name of the United Nations, might develop into a disastrous world war. In their opinion India must be very cautious even in giving its nominal support to such an undertaking. The Group felt that India should not implement those provisions in the "Uniting for Peace" resolution which dealt with collective enforcement measures, because that might involve India in a war against one of the big powers.

The Group then discussed the question of giving political guidance to the United Nations military command in the field. It was noted that the United Nations military commander in Korea did not receive the necessary political guidance from any United Nations organ or from those powers contributing military forces to the United Nations Command and that no machinery was provided to give any guidance to him. It was noted by the Group that as a rule the problem of political guidance would not arise if the United Nations action was taken in accordance with the specific provisions in the Charter because then the Security Council would be providing guidance. In the Korean case the return of the Soviet delegate to the Security Council created a problem because he would have obstructed any further effective action by the Council. The Group did not, however, make any specific proposal in regard to this matter.

On the question of the United Nations action in Korea, as on other political issues, the opinion of the Indian press and public

²² *Ibid.*

was in no sense unanimous. There were a few in the country who wanted India to go along all the way with the Western powers in driving the North Korean army from South Korea and subsequently the Chinese from the whole of Korea. On the other hand there were others who criticized the government for accepting the Security Council resolutions on Korea. A large section of the press and the people, however, supported in broad outline the government's policy on this matter. This was true not only of the members of the Congress party, which was in power, but of others also.

The Socialist party, at its eighth annual conference, passed the following resolution:

The planned invasion of South Korea by North Korean forces exposes the hollowness of the peace offensive that was recently organized by the Communists the world over. . . . The Conference appreciates the stand taken by the U.N. to safeguard the territorial integrity and liberties against external aggression of the people of South Korea. It, however, cannot fail to point out that an opportunity should have been given to the representative of the North Korean Government to explain the point of view of its government before the Security Council reached its decision. The Conference, however, deprecates the action of the U.S. Government in anticipating the decision of the Security Council and thereby reducing the decision to a mere endorsement of a *fait accompli*.²³

It is interesting to note that even such a strong opponent of the Communists as the Indian Socialist party in another resolution adopted at the same Conference expressed the view that the exclusion of Communist China from the United Nations weakened, rather than strengthened, the collective security system of the United Nations. It stated:

This Conference desires that the United Nations Organization should develop into a more reliable instrument of collec-

²³ For text see *The Hindu*, 12 July 1950.

tive security. That, however, demands the admission of Communist China into the Security Council. The refusal to permit the new Government of China to play its legitimate part in the councils of the world further disturbs the precarious balance of world politics.²⁴

The Communists in the country from their own angle opposed various aspects of the government's policy, particularly the acceptance of the first two Security Council resolutions. Their propaganda followed the usual Communist pattern in asserting that the South Koreans first invaded North Korea and that the Americans were conducting an aggressive war in the Far East. Slightly different in tone, and more convincing in their arguments, were the opinions of others who also questioned the propriety of the Indian government's action in accepting the Security Council resolutions.

Mr. S. P. Mookerji asked during the debate in the Indian Parliament in August 1950 on the government's Korean policy:

Was it not the duty of India to have taken up this attitude and called upon the other nations: Hands off Korea; you take off your hands; and let us ask representatives both of South Korea and of North Korea, let us get the representatives of Soviet Russia and sit round the table and discuss on what basis Korea can be re-united?²⁵

Mr. M. N. Roy, a former Communist of some eminence and a well-known political thinker, was one of the most effective spokesmen in the group. In a syndicated article, published in July 1950 in more than one newspaper, he wrote:

If the issue is legal, it ought to be settled according to the generally accepted procedure of administering law. No judgment should be pronounced before hearing both the parties to the conflict. That was not done; the resolution of the

²⁴ *Ibid.*

²⁵ India, Parliament, Official Report, 4 Aug. 1950 (Delhi: Manager of Publications), pp. 305-06.

Security Council, therefore, is an *ex parte* decree. . . . The Russian contention, supported by China, that the resolution of the Security Council is "ultra-vires" of the U.N. Charter has not been replied to, convincingly. The "police action" in Korea, undertaken on the authority of the U.N.O. is foreign interference in the internal affairs of a country; and the Russian Vice-Foreign Minister Gromyko has contended that the Charter does not allow the U.N.O. to intervene, when a conflict is between two groups in one State. . . . The North Korean army is scoring victories all over the front because it is the standard-bearer of a popular cause. . . . By declaring war on them the U.N.O. becomes an enemy of democracy.²⁶

On the other hand, there was a small group who wanted the Indian government to associate itself completely with the Western powers. During the above-mentioned debate in Parliament on the government's policy on Korea, Mr. M. R. Masani, one of the members of this group, said:

When the history of this time comes to be written, I am confident, that the decision of the U.N. Security Council to go to the aid of the small Republic of Asia, and the decision of the United States President, in spite of military difficulties, to lend troops to the United Nations and to go to the succour of the victim of aggression, will stand out as a historic development and may be the beginning of a World Government because this, in an improvised way, is the beginning of an international police force which the United Nations have been obstructed from setting up during the last three years. . . . Korea has given us a warning. It has shown that a democratic constitution, national sentiments and noble intentions are no guarantee of defence against tanks and artillery. Tanks and guns can only be met by tanks and guns. We do not have them. Is it wrong for a democracy of the East to join hands with the Democracies of the West in a measure of collective security?²⁷

²⁶ See *Amrita Bazaar Patrika*, 30 July 1950.

²⁷ India, Parliament, Official Report, 4 Aug. 1950, *op. cit.*, p. 293.

As a rule even those who wanted the Indian government to accept the lead of the Western powers did not criticize the government's policy in sharp terms. For instance the *Eastern Economist*, which very often expresses the views of the business community, in its issue of 20 October 1950 merely commented: "In our opinion the decision of the Government of India not to proceed with other nations across the parallel and not to sit on . . . [the United Nations Commission for the Unification and Rehabilitation of Korea] are errors of political judgment, not of principle."

Economic and Financial Questions

The specialized agencies of the United Nations were established chiefly to tackle the difficult economic and financial problems created by the Second World War. They also resulted from the bitter experience in the economic and financial spheres in the interwar period, especially during the thirties.

India's attitude in the immediate postwar period toward international co-operation in the economic and financial spheres, and generally in all non-political matters, stemmed basically from two facts of recent history. First, before the attainment of independence India's international co-operation in political matters was strictly circumscribed by India's political status, but participation in international economic affairs was more advanced than might have been inferred from this status. Thus, it can be said that participation in the International Labour Organisation was more real for India than membership in the League of Nations. India also had contacts

with the International Institute of Agriculture at Rome, which after the war became the nucleus of the Food and Agriculture Organization.

The wartime developments in the Indian economy constituted the second and more important influence on India's attitude. In the first place, although not considerable in relation to needs, there was an appreciable expansion of industries, and a consequent increase in industrial employment. Secondly, partly because of some diversion to commercial crops, and partly because of continuous failure of the monsoon, internal food production tended to fall while the population increased. Thirdly, huge war expenditures, primarily for the purchase of goods and services in India by the United Kingdom and other Allied countries, led to the accumulation of large sterling balances. At the same time the country was short of essential supplies. After the war the availability of these balances for buying goods to reconstruct and develop the Indian economy became an urgent matter. Fourthly, although the country was spared physical devastation during the war, India's railway system was subjected to severe strain. Other industries like textiles were similarly affected and these had to be quickly rehabilitated. Fifthly, aviation developed rapidly and reduced internal distances. India became an important crossroad of international civil aviation; thus contacts with the rest of the world were much easier. Finally, India's foreign trade held promise of expansion and there was an obvious need for changes in trade policy to meet the requirements of postwar development. In conclusion, India was drawn more closely into the international market system by developments during the war; hence economic developments in the rest of the world tended to make an increasing impact on the Indian economy.

To the world at large, the war also left its legacies—problems of food as well as those of trade and finance. While the United Nations Relief and Rehabilitation Administration was established to deal with the immediate postwar requirements, the need was

felt for setting up a permanent intergovernmental organization to tackle the prevailing world-wide shortage in food production and the equitable distribution of available food stocks. This led to the establishment of the Food and Agriculture Organization in 1945. The physical destruction, the substantial loss of foreign investments, the disruption of production and trade, and the inflationary pressures in the Allied countries emphasized the need for the establishment of institutions for the orderly and smooth functioning of international economic and financial affairs. As a result of extended discussions among forty-four countries at Bretton Woods in 1944, agreements were drafted which gave birth to two international financial institutions, namely the International Monetary Fund and the International Bank for Reconstruction and Development. Similarly, the proposal for the establishment of an International Trade Organization was embodied in the Havana Charter in 1948. While this Charter was not ratified by the major trading countries, most of its provisions relating to tariffs have come into effect through the General Agreement on Tariffs and Trade.

In the following sections an attempt has been made to describe India's relations with these and the other agencies of the United Nations in the economic and financial fields, and to indicate the kind of response which they have evoked from the informed section of the Indian public and from the Indian government. The objectives and activities of the institutions are also briefly reviewed to provide the necessary background.

INTERNATIONAL MONETARY FUND

The International Monetary Fund was set up to maintain the stability of exchange rates, to facilitate the expansion and balanced growth of international trade, to restore a system of multilateral trade and payments, and to provide the exchange resources to meet a temporary disequilibrium in the balance of payments of member countries. The machinery of the Fund was designed

essentially to meet the needs of a normal period and the problems created by the abnormal postwar situation were not fully envisaged by the framers of the Fund Agreement. These problems had therefore to be tackled separately, namely, through the Anglo-American loan and Marshall Plan aid.

The policy governing the use of the Fund's resources has, under the influence of changing conditions of international finance, undergone periodic modifications. At the outset it was recognized that in initiating operations in a war-devastated world before relief and reconstruction requirements had been fully met, the Fund ran the risk that some of its resources might be used for purposes other than temporary assistance. It was, however, considered that the assumption of this risk was justified by the contribution which the use of the Fund's resources would make to the maintenance of national economies and exchange stability during the transitional period. On this basis, such countries as France, the United Kingdom, Belgium, the Netherlands, and Denmark were permitted to purchase U.S. dollars from the Fund against their own currencies. Outside of Europe, Mexico and India used their maximum annual drawing power in the first year of the Fund, borrowing more for imports than for meeting temporary balance of payments disequilibrium.

With the emergence of the European Recovery Program (Marshall Plan) which brought large financial assistance from the United States to the participating countries, it was decided by the Fund's Executive Board that the members participating in ERP should not have access to the Fund for purchase of U.S. dollars except under unusual circumstances. This decision was also based on the consideration that their balance of payments difficulties would not have completely disappeared by the end of the ERP period and that their purchase of dollars during this period would unduly impair their later access to the Fund.

Following the ERP period, the Fund's efforts were concentrated on removing the handicaps imposed earlier and on the formulation of new policies designed to encourage members to have greater

recourse to the resources of the Fund. In May 1951, the Fund's Executive Board approved a proposal to make the Fund's resources available to members to assist them in undertaking practical programs of action to achieve the objectives of the Fund Agreement: these included the achievement of monetary stability, adoption of realistic exchange rates, removal of restrictions and discrimination, and simplification of multiple currency practices. In February 1952 it was agreed that countries whose drawings from the Fund have been less than their gold subscription "can count on receiving the overwhelming benefit of any doubt respecting drawings"¹ up to the limit of their gold subscriptions. In October 1952 the Executive Board announced another important change in policy—the establishment of procedures, known as "stand-by credit arrangements," which were "designed to give assurance that . . . transactions up to a specified amount will be made whenever a member requests and without further consideration of its position, unless the ineligibility provisions of the Fund Agreement have been invoked."² Stand-by arrangements were to be limited to a period not exceeding six months, but could be renewed by decision of the Executive Board. Assurance was given later that the Fund would give sympathetic consideration to a request for a longer stand-by arrangement in the light of the problems facing the member and the measures being taken to deal with them. Convertibility was included as one of the purposes for which the "stand-by" arrangements would be made available to members.

During 1951, the Executive Board made a revision of the scale of charges for Fund transactions that also had an important effect on the use of its resources. These changes encouraged the use of the Fund's resources for short periods, while extended and continued use of these resources became costlier. The scale of charges was

¹ International Monetary Fund, *Annual Report 1952* (Washington: International Monetary Fund, 1952), p. 89.

² International Monetary Fund, *Annual Report 1953* (Washington: International Monetary Fund, 1953), p. 95.

again revised substantially from 1 January 1954 and a minimum charge of 2 per cent per annum came to be in effect.

Up till 30 June 1956, total member drawings on the resources of the Fund amounted to \$1,237.9 million. Of this amount, \$860.7 million was repurchased by the members and \$203.1 million represented drawings of their currencies by other members. The majority of the Fund drawings, however, took place shortly after the Fund opened for business, as noted above. During the period to 30 June 1956, six stand-by arrangements were made with six member countries amounting to a total of \$170 million.

The progressive elimination of exchange restrictions and the multilateral convertibility of world currencies for current transactions constitutes another major item on the Fund's agenda. The Fund Agreement provides in Article XIV for the retention of such restrictions during the postwar transitional period. The Agreement further provides that five years after the date on which the Fund begins operation and in each year thereafter, members still retaining restrictions under Article XIV shall consult the Fund as to their further retention. Most of the Fund's members have availed themselves of the transitional arrangements under Article XIV. Beginning in 1952, the Fund has held annual consultations with these countries and in recent years these Article XIV consultations have constituted one of the most important activities of the Fund. In these consultations, the Fund has expressed the view that use of restrictions as a means of coping with balance of payments difficulties is at best a temporary expedient, and that a sound external position cannot be achieved without internal stability. The Fund has maintained that many of the restrictions retained by member countries are designed primarily to cope with external imbalance resulting from inflationary conditions at home. Therefore, it has consistently urged the development of sound fiscal and monetary policies to stabilize the domestic situation and so reduce the need for restrictions. Although the use of restrictions is still widespread, the *Annual Report* of the Fund for 1956 is able to

note that "foreign exchange restrictions impose a less serious obstacle to international commerce today than at any time since the outbreak of World War II."³ Substantial relaxations in restrictions have taken place in recent years and most member countries show little disposition to regard a return to exchange control as the appropriate remedy for the solution of balance of payments difficulties.

Another function of the Fund relates to the maintenance of exchange stability, and the orderly adjustment of exchange rates when such adjustments are called for. At the time of its establishment, the Fund was notified of par values by many countries at current rates, despite deficits which created a presumption that these rates were overvalued. The Fund, however, chose not to question these rates, on the ground that it was not possible so soon after the war to devise an appropriate network of exchange relationships and that any set of par values was better than none. Under the Fund Agreement, exchange rate adjustments proposed by members which involve changes of more than ten per cent from the par value require Fund approval. From time to time member countries have sought approval for such proposals. The Fund was also informed prior to the devaluation of sterling and other currencies in September 1949.

India's Relations with the Fund: India ratified the Fund Agreement on 24 December 1945 and became an original member of the Fund with a quota of \$400 million. In April 1947 several sections of the Reserve Bank of India Act, 1934, were amended with a view to giving effect to India's membership in the Fund. As one of the five countries with the largest quota, India has a permanent representative on the Executive Board of the Fund.

India paid the equivalent of \$27.5 million of its quota in gold and the rest in Indian currencies. In 1947-48 India purchased from the Fund U.S. dollars for its own currencies up to the amount

³ International Monetary Fund, *Annual Report 1956* (Washington: International Monetary Fund, 1956), p. 89.

of \$100 million. During 1954-56, India repurchased for gold this entire amount, so that as of the present its net drawings from the Fund are nil.

The initial par value that India established with the Fund in December 1946 was 3.309 rupees per one U.S. dollar. On 18 September 1949, the par value was changed to Rs. 4.762 per one U.S. dollar.

India has availed itself of the transitional arrangements under Article XIV of the Fund Agreement. Since 1952 consultations have taken place every year between the Fund and the government of India either in Washington, D.C. or in India as to the further retention of the restrictions under Article XIV.

In 1953, the government of India invited a mission of the Fund to study and report on India's monetary and fiscal policies. The report of the Fund mission was published under the title, *Economic Development with Stability*.⁴ In a foreword to the Indian edition of the report, the Secretary of the Ministry of Finance wrote that the government of India would take into consideration the views expressed in the report in the framing of its future policies, within the framework of the social and economic objectives set forth in the Five-Year Plan.

India's Attitude: At the Bretton Woods Conference, the Indian delegation, while generally supporting the objectives of the Fund, suggested amendments of the Articles in two directions. In the first place, the Indian delegation argued for including among the objectives of the Fund the developing of the resources of the underdeveloped countries. This suggestion was not accepted because the utilization of such resources was considered to be a long-run objective which could not be achieved through the instrumentality of the Fund. Secondly, the Indian delegation wanted the machinery of the Fund to include some provision for multilateral convertibility under the auspices of the Fund of a "reasonable portion" of the sterling balances which India had accumulated during the war. There was

⁴ See International Monetary Fund, *Staff Papers*, Vol. III, No. 3 (February 1954).

strong public feeling in India at the time in favor of the multilateral convertibility of the sterling balances. However, both the United States and the United Kingdom delegations were of the view that the working of the Fund would be subjected to considerable strain if, in addition to its other functions, it was also entrusted with responsibility for repayment of the wartime balances in non-sterling currencies.

During the years since the Fund has been in operation, the representatives of the government of India have played a prominent role in the formulation of Fund policies and in Fund activities both on the Executive Board and at the annual meetings of the Board of Governors of the Fund. Indian representatives stressed the need for liberalizing the Fund's lending policies and welcomed the recent trends in this direction. In 1953 at the Eighth Annual Meeting of the Board of Governors, the Indian representative said:

The recent decision of the Executive Board in the case of the Turkish request for a drawing has demonstrated that the Fund was prepared to waive, in suitable circumstances, the limits laid down in Article V. . . . This willingness to interpret the Fund Agreement in a broad and liberal manner, will no doubt, inspire general confidence and lead to greater use of [the] Fund's resources.⁵

In this connection the upward revision of the Fund's scale of charges in respect of drawings which was made effective on 1 January 1954 drew India's criticism. At the 1954 Governors' meeting, the Indian representative said that one reason why some countries were still reluctant to use the Fund's resources was the onerous scale of charges. He added that whatever justification there might have been for these charges at the time they were imposed, such justification no longer existed because the rates were out of step

⁵ International Monetary Fund, *Summary Proceedings of the Eighth Annual Meeting of the Board of Governors, 1953* (Washington: International Monetary Fund, 1953), pp. 27-28.

with interest rates in important money markets in relation to which they were revised upward.⁶

The Indian representative at the 1954 meeting also urged that in any action that might follow the gradual elimination of the transitional measures, the Fund should give due recognition to the special needs and problems of countries in the process of development. Trade and exchange restrictions, he added, were a necessary part in the program of economic planning in these countries. The currently earned foreign exchange resources were a vital asset to these countries and it was, therefore, necessary for them to exercise a close control over their disposal.

As to the non-official attitude, the daily press in India and the financial journals generally give good publicity to, and frequently comment on, the policies and operations of the Fund and its annual reports. While such comments vary widely in emphasis, the following assessment of the Fund's work represents the more generally expressed opinions.

The Fund's contributions to international monetary co-operation may not be spectacular; nevertheless, they are not inconsiderable. The Fund offers a valuable forum for the discussion of economic policies and methods followed by the members, as well as for the international exchange of ideas. The Fund provides invaluable information in its regular publications on financial, trade, and balance of payments statistics and developments. The Fund has helped to avoid competitive adjustments in the external value of national currencies and thereby to ensure stability in foreign exchange rates. The Fund has provided useful technical advice to many countries in solving their monetary and trade problems and in simplifying their restrictive systems. Finally, the Fund has consistently exercised its powers of persuasion on the side of multilateralism and free trade, and has been instrumental, to a considerable extent,

⁶ International Monetary Fund, *Summary Proceedings of the Ninth Annual Meeting of the Board of Governors, 1954* (Washington: International Monetary Fund, 1954), pp. 39-40.

in the revival of faith among governments in the efficacy of monetary and fiscal measures, as opposed to physical controls and rationing, for restoring economic stability.

However, even when due recognition is given to the achievements of the Fund, it must be admitted that these have not fully measured up to expectations. This has been mainly because it was designed primarily to function when normalcy returned in international financial affairs. In actual practice reconstruction and return to normalcy of the world economy posed problems of greater complexity and magnitude than were anticipated at the time the Fund Agreement was drawn up. For one thing, the transitional period was itself very prolonged. Furthermore, there were two distinct sets of problems in the transitional period; one was the necessity for the war-shattered economies to get back to very near the position in respect of production and exports which they had before the war. This was more or less achieved through Marshall Plan aid. The second set of problems was structural in character relating mainly to changes in the pattern and composition of international trade, the greater productivity of the United States, etc. These were not foreseen earlier; nor was it intended by the framers at the Bretton Woods Conference that they would be tackled by the Fund.

Added to this were the distortions in the world economic situation introduced by the Korean war; the initial boom and the subsequent steep fall in economic activity in many countries further complicated progress toward normalcy in international financial relations. These, however, do not detract from the usefulness of the Fund. With its large liquid resources and competent technical staff, this institution can undoubtedly play its role in assisting convertibility of currencies and in counteracting the effects of a world recession through timely and liberal lending operations. This may, however, necessitate certain changes in the policies and functions of the Fund.

The use of the Fund's resources has not become a significant factor in the field of international monetary adjustment and the anticipation that the Fund would provide the means for decisive

consultations on the economic policies of members has not materialized. This seems to be related, in part, to the fact that, unlike the European Payments Union, the Fund is not an international clearing mechanism but only a provider of short-term credit. Budgetary, credit, and price policies come under effective review by the Executive Board only when members propose to draw on the Fund's resources; thus the opportunities open to the Fund to press member countries to adopt appropriate domestic economic policies is severely limited by the extent to which access to the Fund's resources is sought.

One of the important functions which the Fund is expected to fulfil relates to contracyclical lending. In periods of active inflationary conditions, adversely affecting international payments position, the Fund should restrict its lending and, during periods of depression, it should advance funds more liberally to make a larger volume of trade possible and to stimulate expanded economic activity. The achievement of such an objective will certainly be hampered by the rigid fixing of deterrent rates of charges. For the Fund to fulfil this role, it is essential that there should be a greater flexibility in the rates payable for the use of the Fund's resources.

The high rates which are now in effect also need revision in the light of certain other considerations. The present rates seem to have been based on the rates prevailing in certain money markets. This is unjustified in that the Fund does not raise its resources from the financial markets of member countries but by special arrangements with member governments. As inflationary pressures have subsided in most member countries, it is appropriate that the Fund should lower its rates to make it attractive for members to borrow from the Fund so that recessionary tendencies, if any, may be counteracted with the support of the Fund's resources. The situation at present is far from encouraging. Member countries have tied up large amounts of much needed gold and currency reserves, and these idle funds are seeking investment in U.S. Treasury Bills.

An issue for consideration is whether in its annual consultations with members on restrictions on payments and transfers, the Fund should not prefer the major currency approach rather than consultations with numerous individual members. In the ultimate analysis, the action of the many will depend on the progress toward convertibility made by the major currencies like sterling. Another issue which arises in this connection is that the consultation machinery applies only to countries which have exchange restrictions in operation and the Fund, therefore, has no machinery for discussions with creditor countries and for influencing their policies.

Finally, it is necessary to recognize that the inability of the Fund to function as an international institution that can to some extent mould the internal economic discipline of its members has reduced its effectiveness in bringing about the elimination of restrictions. Thus many countries which had exchange restrictions at the end of the Second World War still consider them necessary and the Fund has not been able to persuade them to adopt appropriate policies with a view to eliminating these restrictions. Even after so many years of peace general convertibility of currencies still remains a distant goal. However, it should be remembered that the continuance of restrictions is to a large extent the result of the unexpectedly large and complex difficulties faced by member countries in the task of reconstruction and readjustment to normal conditions. Further, in recent years there has been an increasing trend toward relaxation of restrictions in many countries, including some of the most important trading countries, and throughout a large area, economic factors of price and quality are permitted to play a larger role than ever before. The criticism often levelled against the Fund is that it has not played a decisive role in all these developments, and that it has not been able to bring about appropriate action by creditor countries. In respect of these problems, the core of the defects seems to be in the unwillingness of the member countries to accept restraints on the exercise of their sovereignty

in economic matters even to the limited extent which was certainly hoped for when the Bretton Woods Agreement was drawn up.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The Bank was set up to assist its members in reconstruction and development through long and medium-term loans and to promote private foreign investment through guaranteeing or participating in loans and other investments made by private investors. Under its Articles of Agreement the Bank was required, whether as guarantor or lender, to make a prudent assessment of the prospects that loans would be repaid. Normally, it was to associate itself with the financing of specific projects. With allowance for special circumstances, the Bank was to guarantee or make loans in foreign exchange rather than in the domestic currency of the borrower.

In its actual operations the Bank has not committed itself to any single, inflexible lending technique applicable without regard to the actual needs of a given situation and has been able to evolve, under its Articles, a variety of forms of lending. It has granted loans not only for specific individual projects or for groups of interrelated projects but also for general reconstruction needs and general development. Early reconstruction loans to Europe were granted without any detailed project investigations. Loans to local credit institutions in Ethiopia, India, and Turkey were granted for the general purpose of promoting industrial development. Bank loans to Australia and Yugoslavia were related not to individual projects but to a broad range of interrelated projects. Assistance was given to the Belgian Congo and Italy to finance their general development programs. A loan to Norway was given to provide the foreign exchange needed for general development. Furthermore, loans to certain countries, viz., Austria, the Belgian Congo, and Italy, were granted to meet not merely the direct foreign exchange requirements of specific projects but also indirect requirements

related to a broad plan of economic development. However, it is true that in the vast majority of cases the Bank has considered that loans should be granted to meet the direct foreign exchange requirements of *specific projects*.

The Bank's policy is to arrange in order of priority the various projects of a borrowing country in the light of the expected contribution of each project to the general economic development of that country. Then it selects projects of highest priority on which it extends assistance and insists that they be properly worked out in order to avoid waste of resources. Consistent with this approach, the Bank encourages its members to formulate long-term development programs in the belief that the existence of such programs facilitates the task of an underdeveloped country in determining which projects are of the higher priority in the light of their prospective contribution to the program as a whole. The Bank itself has played an important advisory role of considerable scope and variety, concerned with economics, engineering, organization, and many other factors bearing on the eventual success of the projects.

The two principal charges by the Bank on its loans are interest and commission. The main element in the interest rate is the cost at which the Bank can borrow in the market for a comparable period. The Bank's interest rate is calculated to exceed this cost by a small margin sufficient, together with the income from its capital, to cover the Bank's operating expenses and to yield a modest amount which can be transferred to reserves against future contingencies. In addition, it charges a commission, the proceeds of which are allocated to a special reserve for the purpose of meeting the liabilities of the Bank on its borrowings and guarantees. The current policy is to charge a uniform commission of one per cent per annum on the outstanding amount of all loans, regardless of the source of funds. Thus, the interest rate including the commission which the Bank charges on its loans has been higher by over one per cent than its own cost of borrowing. Further, the

Bank's cost of borrowing in the capital markets of different countries has been invariably higher than the respective long-term government bond yields in these countries.⁷

Total loans granted by the Bank as of 30 June 1956 amounted to \$2,667.3 million (net of cancellations) of which the total amount disbursed was \$1,963.6 million. Of the total disbursed, 72.9 per cent was in U.S. dollars, 10.7 per cent in pounds sterling, 3.9 per cent in Canadian dollars, 2.2 per cent in Belgian francs, 2.1 per cent in Swiss francs, and the rest in other European currencies and South African pounds. Of the total loans granted as of this same date, Europe received 36.3 per cent, the Western Hemisphere 24.5 per cent, Asia and the Middle East 16.5 per cent, Australasia 9.7 per cent, and Africa 13 per cent. As of 30 June 1955, the total development loans made by the Bank amounted to \$1,777 million of which 34.7 per cent was for the development of electric power, 30.2 per cent for transportation and communications, 12.7 per cent for agriculture and forestry, 13.3 per cent for industry, and 7.9 per cent for general development. Reconstruction loans (all made in 1947 to four Western European countries) amounted to \$497 million. During the past ten years of the Bank's operations, there has been no default in repayments, and as of 30 June 1956, reserves were accumulated up to a total of \$220 million. Of this amount, one-third accrued from the special reserve constituted out of the commission of 1 per cent which the Bank charges on outstanding loans.

Insofar as borrowing operations are concerned, it seems that the Bank has inspired confidence in the investing public. Starting with only government capital to lend, the Bank can now trace to private sources nearly half the funds it has had available for loans. While the United States has provided the chief market for its bonds, the Bank has also successfully offered its bonds for sale

⁷ For example, in 1951, the Bank offered a new issue in the United States of \$50 million, 3 per cent bonds due 1976; in the same year the interest rate including the commission which the Bank charged on its 25 year loans was 4.5 per cent. However, the long-term government bond yield in the United States in 1951 was only 2.57 per cent.

in the United Kingdom, Canada, Switzerland, and the Netherlands. As of 30 June 1955 out of the total available resources for lending of \$2,262 million, \$851.6 million were obtained by sale of its bonds.

Although the bonds of the Bank have been the chief vehicle through which the Bank has mobilized international private investment in economic development, the Bank has also tried from the beginning to bring the capital market into a more direct financial relationship with borrowers. This it has done by transferring its own loans to other investors, either by arranging for other investors to participate directly in the loans at the time they are made, or by later selling borrowers' obligations out of its loan portfolio. In the fiscal year ended 30 June 1955 such participations and sales together were equal in amount to nearly a quarter of the Bank's lending during the year. In that year, the Bank was also able to break fresh ground by lending in combination with public bond issues.

India's Relations with the Bank: India ratified the Bank Agreement on 24 December 1945 and became an original member of the Bank with a quota of \$400 million. As one of the five countries with the largest quota, India has a permanent representative on the Executive Board of the Bank.

The Bank has so far granted eight loans to India for a total value of \$199.9 million (net of cancellations) or 7.5 per cent of the total Bank loans up to 30 June 1956. Four of these were given directly to the government of India while for the other four, the government acted as the guarantor. Of the former, two were given in 1949 for railway rehabilitation and for importing agricultural machinery and two in 1950 and 1953 for the Damodar Valley Project. In 1952 the Indian Iron and Steel Company received a loan of \$31.5 million for the expansion of iron and steel production facilities and in 1954 the Tata Hydro, Andhra, and Tata Power Companies were given a loan of \$16.2 million for electric power development. In March 1955, the Bank also granted a loan of

\$10 million to the Industrial Credit and Investment Corporation of India which was established for the purpose of assisting the growth of private industry in India. Equity capital for the institution was provided by British, American, and Indian investors. The proceeds of the Bank's loan were to be used for purchases of imported equipment, materials, and services needed to carry out projects financed by the Corporation. Later in the same year the Bank made a loan of \$75 million—the largest single loan in the history of the Bank for an industrial project—to the Tata Iron and Steel Company for expansion of production facilities.

India has received several missions from the Bank in connection with the field survey of various projects and also for general investigation into India's development program.

India's Attitude: It is generally believed in India that among the postwar international institutions the Bank has been more successful than others in bringing its achievements more or less in line with the level of general expectations. It is readily conceded that the Bank has made an impressive showing in the last ten years both from the point of view of the scale of loan operations which in 1955-56 amounted to \$396 million, and the scrupulous care exercised in making these loans which accounts for the complete absence of any default in repayments. The Bank has been commended for the way in which it has been able to channel private investment, which would otherwise have remained within national boundaries, into public development projects in economically backward countries. Appreciation is also expressed for the valuable survey work and advisory functions that the Bank has performed in several countries, and for the austerity in management displayed by the building up of a sizeable reserve fund.

However, until recently, there was a fairly widespread feeling that the Bank was unduly cautious in its lending policies, that it was biased in favor of Europe and the Western Hemisphere, and that Asia, the Middle East, and Africa did not receive the attention they deserved in the light of their populations and low per capita

incomes. The fact that more recently a substantial part of the Bank's loans has been given to the underdeveloped countries in Asia and Africa has diminished the force of this contention. Thus in the tenth year ended 30 June 1956, the aggregate loans of \$396 million were apportioned as follows: 41 per cent to Asia, 30 per cent to Africa, 19 per cent to the Western Hemisphere, and 10 per cent to Europe. The regional pattern of the Bank's loans takes its present form largely in sympathy with variations in the time factor in the formulation of development projects in different countries and consequent requests to the Bank for assistance. It is now recognized by many that the limited amount of loans made to the Asian and African countries in the early years reflects more the paucity of worth-while projects in these countries than the unwillingness of the Bank to lend to them. Moreover, it should be remembered that Europe's share of 36.3 per cent—in comparison with 16.5 per cent for Asia and the Middle East—in the total loans granted as of 30 June 1956 includes the reconstruction loans which were given solely to the European countries in 1947. If this element is excluded and only the total of development loans as of the same date is considered, Europe's share emerges at 21.7 per cent, only marginally above that of Asia and the Middle East which is 20.2 per cent.

Criticism was also levelled in India that the scope of the Bank's operations was limited inasmuch as the Bank was concerned mainly with specific projects, and the suggestion was made that the Bank should make loans for "general development purposes." However, the flexible lending policies that the Bank has pursued in recent years have met this criticism, for if it means that the Bank should not confine its assistance to individual projects but should also seek to finance groups of interrelated projects, the suggestion merely reflects existing Bank policy. Indian opinion has welcomed the feature of certain recent Bank loans whereby the member countries have been enabled to cover their domestic expenditures with the foreign exchange received from the Bank. An extension

of this feature to loans to underdeveloped countries in appropriate cases has been suggested.

One section of opinion in India holds that the Bank, in consonance with the prevailing philosophy of the United States, is predisposed in favor of private enterprise and consequently is inclined to offer greater encouragement to projects under private ownership and management than to those owned and managed by the governments of member countries. Insufficient attention seems to have been paid by the Bank to the large differences between the entrepreneurial role in mature economies and in comparatively underdeveloped ones, and it is hardly necessary to emphasize that in the latter the state has to shoulder a greater responsibility for controlling and directing economic activity.

The most general criticism in India, however, is that the present charges for Bank lending are unduly onerous, and that in order to enable underdeveloped countries to make greater use of the Bank, these charges must be reduced to a reasonable level. Since most of its loans are to governments and all its loans to private borrowers are government-guaranteed, and since it grants loans only after a careful scrutiny of the projects for which they are meant, there is not much risk involved in its loan operations. There is thus a clear case for reducing the commission so as to lessen the net burden on borrowing countries. The need is all the more pressing now because the Bank's own borrowing rates have been going up in recent years and consequently the interest rate on new Bank loans has also gone up. The purpose of charging the commission was to create a special reserve for meeting liabilities in the event of defaults. Total reserves have, however, reached a sizeable total; as of 30 June 1956 they amount to more than 10 per cent of the total of loans disbursed. Further, as the past decade has shown that there is little danger of any member country defaulting on its loans to the Bank, to continue to levy a heavy special contribution as a hedge against a very unlikely contingency seems to be a needlessly onerous charge on borrowers.

The Bank has so far helped substantially in the financing of India's economic development. However, the need for continued and larger assistance remains, particularly in the context of the Second Five-Year Plan. Indian opinion has argued for an over-all development loan spread over the period of the Second Plan. While appreciating the difficulty of the Bank in committing itself to any specific figure for lending to India during the period, Indian officials hope that it will be possible to come to a general understanding in regard to the order of figures involved and the phasing of the Bank assistance, as without a fairly concrete idea of when and how much external finance will be available, there is bound to be very considerable uncertainty as to the pace at which India can safely progress.⁸

THE INTERNATIONAL FINANCE CORPORATION

The International Bank for Reconstruction and Development is by the terms of its Articles precluded from making equity investments and non-guaranteed loans; it is, therefore, unable to give substantial help to private enterprise. In order to rectify this position, the U.S. International Development Advisory Board suggested in 1951 that an International Finance Corporation should be set up as an affiliate of the Bank and that it should be authorized to make loans to private enterprise without government guarantee and make equity investments in participation with private investors. However, the implementation of the proposal did not advance far beyond the exploratory stage until late 1954 when the United States and the United Kingdom announced their support for the establishment of the Corporation. The Bank, which had been studying the project, drafted the Articles of Agreement and transmitted them to the member governments for approval.

⁸ See in this connection the letter from the Indian Finance Minister to the President of the Bank, *The Hindu* (12 Oct. 1956).

The Corporation started functioning on 20 July 1956 and by 10 August, 32 governments had become members with a total subscribed capital of \$78.4 million. The basic objective of the Corporation is to encourage the growth of productive private enterprise in its member countries, especially in the underdeveloped areas. The Corporation will (a) invest in productive undertakings in association with private investors and without government guarantee in cases where sufficient private capital is not available on reasonable terms; (b) seek to bring together opportunities for productive investment, private capital, and experienced management; and (c) stimulate and help to create conditions which will encourage the flow of both domestic and international private investment into productive enterprises in member countries.

India signed the Articles of Agreement on 19 October 1955 with a quota of \$4.431 million. India is one of those countries which consistently supported the establishment of the Corporation. At international discussions of the project the Indian delegates emphasized the need for such an institution and urged its speedy establishment.

In the meetings of the Economic and Financial Committee at the tenth session of the United Nations General Assembly in 1955, the Indian delegate, while stating that India had signed the Articles of Agreement without any reservations, made the following observations on the constitution and functions of the International Finance Corporation.⁹ In the first place, he said, membership in the Corporation should be open to all members of the United Nations; under the existing provisions, only members of the International Bank for Reconstruction and Development are eligible. Secondly, the existing provision relating to immunity of the Corporation's profits from taxation might not be quite justified insofar as the Corporation would function as a profit-making institution. Thirdly,

⁹ General Assembly, Official Records: 10th Sess., 2nd Ctte., 364th Mtg., 28 Oct. 1955, pp. 101-02.

he observed that although the Articles required that the Corporation should not directly provide equity capital, it was possible for the Corporation to make investments in debentures which were convertible into stock with voting rights when the Corporation transferred them to private investors. Thus it would be possible to work out suitable arrangements on a case-by-case basis, whereby the Corporation would provide facilities for the flow of risk capital to underdeveloped countries.

A SPECIAL UNITED NATIONS FUND FOR ECONOMIC DEVELOPMENT

Since 1949 the Indian attitude on foreign aid has been based on two fundamental points: first, assistance under the international auspices of the United Nations is preferable to direct bilateral intergovernmental arrangements; second, it is necessary to establish a new United Nations agency especially for this purpose rather than to use existing agencies. Owing to its limited funds and strict requirements, the International Bank cannot fully meet the needs of economic development in underdeveloped countries. A new agency is required not only to supplement the existing agencies but also because of the need for one agency with the sole task of promoting economic development—one which would coordinate technical assistance, assess the extent and pace of development, and supervise development projects. These arguments were forcefully elaborated in 1949 in the Sub-Commission on Economic Development (a subsidiary organ of the United Nations Economic and Social Council) by the Indian member who was Chairman of that body. Subsequently, he presented to the Sub-Commission a proposal for the establishment of the "United Nations Economic and Development Administration."

Although the subject was discussed during the next few years, no action was taken until January 1952, when the General Assembly requested ECOSOC (the United Nations Economic and Social

Council) to submit a detailed plan for establishing a special fund for financing economic development. The committee established to perform the task completed its report in March 1953. It stressed that economic development of underdeveloped countries should be accelerated through a system of grants-in-aid and suggested the establishment of a fund for this purpose as soon as expedient.

When this report was considered by ECOSOC at its sixteenth session in the summer of 1953, both the United Kingdom and the United States delegates opposed the establishment of the fund. In their opinion, it would not be successful without considerable resources and they doubted the desirability of taking any further steps until major contributions were assured. After considering the report, ECOSOC adopted a resolution suggesting that, when sufficient progress was made in internationally-supervised worldwide disarmament, member governments should stand ready to ask their people to devote a portion of the savings thus achieved to an international fund to assist the development of underdeveloped countries.

More recently, in July 1955, the Belgian representative, who headed a body appointed to inquire into the project, submitted detailed proposals concerning a fund for economic development to the ECOSOC. Opinion was again divided and the delegates of the United Kingdom, United States, and the Soviet Union declared that their countries felt unable to subscribe to such a fund until resources had been released through internationally controlled disarmament. Eventually in August 1955, the Economic Committee of the Council approved a compromise resolution for setting up a special inter-governmental committee to analyze the proposals in the light of views submitted to it by member governments. At the request of ECOSOC, the General Assembly at its tenth session established such a committee and requested it to report back to ECOSOC and to the next session of the Assembly.

India, in common with many other underdeveloped countries, has consistently supported proposals for a fund and the Indian

delegates to ECOSOC considered that its establishment should not have to await progress on disarmament.

GENERAL AGREEMENT ON TARIFFS AND TRADE

Although the Havana Charter providing for an International Trade Organization was not ratified by many important countries, the main proposals of the Charter relating to tariffs have come into operation under the more limited General Agreement on Tariffs and Trade, commonly known as GATT. The Agreement came into effect in July 1948 and at present 35 countries—the last to accede being Japan in 1955—subscribe to it.

Broadly speaking, GATT has three objectives: to eliminate discrimination, to abolish unfair practices of all kinds, and to reduce the barriers to the smooth flow of international trade. The concessions that the signatories to GATT have to make are of three principal types: actual tariff reductions, the reduction of preferential treatment previously accorded to the trade of certain other countries, and promises not to raise duties above existing or agreed levels ("bindings"). Each party to the Agreement is also required to apply to the trade of other parties unconditional most-favored-nation treatment. This general obligation does not apply to preferential customs treatment, but no new preferences may be created and no existing preferences may be increased. These obligations are separate from, and additional to, the contractual obligation of each party to accord to the products of the other the treatment specified in the schedules. The Agreement has laid down a set of general provisions governing trade regulations and restrictions other than customs duties in order to protect the value of the concessions contained in the schedules.

Four major multilateral conferences have been held for the reduction of customs tariffs: the first in Geneva in 1947; the second in Annecy, France, in 1949; the third in Torquay, England in 1950-51; and the fourth in Geneva in 1956. Tariff negotiations

also took place among 17 countries in connection with the accession of Japan in 1955.

The contracting parties to the General Agreement meet together from time to time in regular sessions in the course of which differences arising out of the GATT code are discussed, consultations take place, and disputes between parties are settled through the mediation of the Contracting Parties i.e., the member governments acting as a body. At its ninth session held in Geneva in 1954-55, the Contracting Parties subjected the provisions of the General Agreement to a comprehensive review in the light of experience gained during the previous years. At the end of the session, the Contracting Parties reaffirmed the basic objectives of the Agreement, drew up a renewed undertaking to prolong the firm validity of the tariffs bound under the Agreement, envisaged a system of annual consultations with countries applying quantitative restrictions (which, as before, were permitted for balance of payments reasons), laid down more flexible procedures for dealing with the problems of countries in early stages of economic development, and proposed the establishment of a permanent organization to be known as the Organization for Trade Co-operation to administer the Agreement and to supersede the existing informal operational structure.

India's Relations with GATT: India is a signatory member of the Havana Charter and the General Agreement on Tariffs and Trade. It signed the Protocol of Provisional Application of GATT in June 1948. On 2 February 1949, the Indian Parliament passed a bill amending the Indian Tariff Act of 1934 with a view to giving effect to the concessions to which India had agreed. The concessions were of three kinds: a reduction in the existing rates of duty, a commitment against future increases of duty, and a reduction or elimination of the margin of preferences which India had granted to other countries. In implementing the concession, in cases where a substantial reduction had been agreed upon, new rates of duties, whether standard or preferential, were substituted for the existing

ones. In cases where a reduction in the margin had been negotiated, the reduction was invariably effected by leaving the standard rate untouched and by raising, to the requisite extent, the preferential rate.

India took an active part in the first three tariff conferences (at Geneva, Annecy, and Torquay) but dropped out of the last which took place at Geneva since India did not seek any concessions nor have any to offer. The concessions granted and received by India so far cover one-fifth of its foreign trade.¹⁰

At the seventh session of the Contracting Parties in 1952 India's complaint against Pakistan in regard to the discriminatory levy imposed by the latter on exports of raw jute to India was discussed. The Contracting Parties were helpful in bringing about a settlement.

Subsequently with the appearance of a buyer's market following the Korean boom and the increasing competition from industrially advanced countries, many industries in India which had developed during the war and the postwar period were in difficulty and urged the government to protect them. The Indian Tariff Commission stressed the advisability of protective measures in several cases. Since the adoption of such protective measures was not in consonance with India's obligations under GATT, the government of India approached GATT, under Article XVIII of the Agreement, for authority to negotiate with the parties concerned for the release of India from its commitments in respect of eight categories of imports. The authority to negotiate was readily granted by GATT.

¹⁰ Among the articles on which India has received tariff concessions from other countries are: raw jute, hessian cloth, mica, coir goods, lac, cashew nuts, cardamoms, ginger, tea, castor oil, linseed oil, jute bags and sacks, unmanufactured tobacco, and essential oils. In return, India has granted concessions on a number of articles including canned fruits and vegetables, motor cars and parts, ball and roller bearings, dairy products, tallow, lithopone, coal tar dyes, toilet goods, chemicals, drugs and medicines, several types of machinery, nitrate of soda, fountain pens, ribbons, cigarettes, paper, electric bulbs for torches and automobiles, stones, safety razors and blades, refrigerators, typewriters, ploughs, tractors, staple fibres, wireless apparatus, etc.

The negotiations that followed proved to be difficult and enabled India to obtain releases only on some of the categories.¹¹

India played a prominent part in the discussion at the ninth review session of the Contracting Parties which met at the close of 1954 at Geneva. In particular, the Indian delegation pressed for the incorporation of certain special provisions in the Articles of GATT so as to give sufficient latitude to countries like India to fulfil their programs of economic development. India's arguments found general support and the relevant articles were substantially overhauled to meet the special needs of the underdeveloped countries.

India was one of the countries which supported Japan's application for membership in GATT. However, India was one of the fourteen countries which invoked Article XXXV in respect of Japan, under which a country is allowed to refuse most-favored-nation treatment under certain conditions.

India's Attitude: When India signed the Protocol of Provisional Application in 1948, India found, as must have been the experience of other signatories to the Protocol, that implementation of the concessions was made easier by the fact that they could be revoked at 60 days' notice. But even so, India's signature to the Protocol did not go uncriticized in Parliament. Some members disagreed on the need to import many of the commodities included in the schedule, particularly as acceptance of the Agreement involved the granting of important concessions by India to other contracting parties. The Commerce Minister, however, explained that in negotiating the duty concessions, India was guided by three principles. First, the concessions granted should be such as were demonstrably in the interests of the internal economy; secondly, that they should not relate to products which were protected or in respect of which claims for protection were likely to be made during the next three

¹¹ These were: (1) varieties of canned fish; (2) tooth paste, tooth powder, talcum powder, shaving soap, and shaving cream; (3) lithopone; (4) fountain pens and parts; (5) coal tar dyes; (6) wines; (7) glass beads and false pearls; and (8) safety razors and parts, including blades. Releases were obtained only on items in the last four categories.

years; and thirdly, that concessions should not result in excessive loss of revenue.

These arguments, however, did not satisfy all sections of opinion in the country, and the business community, in particular, often expressed doubt that India was benefiting from its membership in GATT. The main points of criticism levelled by the business community were as follows:

(a) The proportion of India's export trade which is made up of primary commodities is admitted to world markets either free or at low rates of duty. Many GATT countries are dependent to a large extent on India for the import of these commodities. Consequently, in most cases it is in their own interests not to burden their imports with heavy duties.

(b) The foreign demand for a number of India's export items is somewhat inelastic: thus the tariff concessions received on such items, since they are shared with competitors, do not benefit the country significantly.

(c) A large number of commodities on which India has received concessions, such as ginger, spices, palmarosa oil, etc., account for only a small share of the trade of the countries granting them.

(d) India does not have an exportable surplus of many of the commodities on which it has obtained concessions.

As the Korean boom receded, and newly grown industries in India were finding it difficult to hold their own in the face of foreign competition, the business community became increasingly critical of the concessions granted by India. The Federation of Indian Chambers of Commerce and Industry, the apex body of Indian business interests, argued that membership in GATT restricted India's freedom to shape its commercial policy in the best interests of the country. The First Five-Year Plan was already under way, and it was desirable, according to the Federation, that in the implementation of the Plan, India should have full discretion to regulate the composition and direction of its foreign trade. The Federation believed that the concessions given in respect of import

trade were not in the general interest of the industrial development of the country and resulted in a loss of revenue. The Federation proposed that the government should withdraw from membership in GATT, or alternatively, should obtain releases on a long list of imports on which concessions had been granted.¹²

The government of India was at that time reviewing its position in relation to GATT, but in any case there was no thought of withdrawing from membership in the organization.¹³ However, the government did approach GATT for authority to negotiate with the parties concerned for releases on a list of items which was shorter than the one suggested by the Federation. As already noted, the negotiations with the interested parties proved to be extremely difficult, and releases were obtained only on a few items. India's experiences during these negotiations as well as the exigencies of economic development provide sufficient background for the role India set itself at the ninth review session of the Contracting Parties.¹⁴

The brief for the Indian delegation to the ninth session was prepared after consultations with important commercial and industrial interests, as well as expert opinion in the country. Broadly, the government of India felt that while it could concur with the

¹² *Notes and News*, 1 July 1953 (Published by the Federation of Indian Chambers of Commerce and Industry).

¹³ The Secretary to the Ministry of Commerce and Industry said in Parliament that the government was reviewing its position *vis-à-vis* GATT and that pending this review, it would be premature for him to express his views one way or the other in regard to the advantages of GATT. He, however, pointed out that GATT was an agreement voluntarily entered into by certain countries which handled 90 per cent of the world trade. In the case of India, which was developing its industries and, therefore, its export potential, he said, it was always advantageous to be a party to an agreement which largely discouraged any artificial barriers to trade. *Times of India*, 15 April 1953.

¹⁴ The hardening official attitude was reflected in the inaugural address delivered by the Union Minister of Commerce at the first annual meeting of the Indian Council on Foreign Trade in Bombay on 12 March 1954. He said that at the moment it was very difficult to point out that any tangible benefits accrued to India from this Agreement. He, however, added that the government of India was making a close study of the subject in order to formulate its future attitude.

first two objectives of GATT, namely, to eliminate discrimination and to abolish unfair practices, it could not wholly concur with the third objective, namely, the reduction of trade barriers. Although India generally supported the goal of expanding international trade, it was feared that the acceptance by the government of the principles of liberal trading embodied in GATT might interfere with the economic development of the country and prevent the government from giving adequate and necessary protection to Indian industries. GATT had, by and large, overlooked the problems which countries in the early stages of economic development were required to face. It was, therefore, necessary to ensure that GATT in its attempt to promote a smooth flow of international trade did not deprive these countries of the right and freedom to impose restrictions in the interests of economic development.

The Indian delegation was given clear instructions to press for amendments to the Articles of GATT to obtain two objectives: first, underdeveloped countries like India should be enabled to use quantitative restrictions for economic development and to assist the development of particular industries; secondly, sufficient flexibility regarding the bound rates of tariffs should be obtained to enable underdeveloped countries to make changes as and when new industries develop.

The arguments of the Indian delegation found wide support, particularly from delegations of other underdeveloped countries and as a result, the relevant articles of GATT were amended to accommodate the needs of such countries. The main changes incorporated in the Agreement to this end were as follows: (a) facilities to make changes in tariffs on bound items; (b) ability to use quantitative restrictions not only for current difficulties in the balance of payments, but also to build up a reserve of foreign currencies in order to finance the economic development programs; and (c) freedom to use quantitative import restrictions and other similar measures not generally available to the Contracting Parties, if they are essential for the establishment of a particular industry.

These changes met the Indian arguments and were found acceptable to the government. In proposing ratification of the amendments in Parliament in September 1955, the Minister of Commerce and Industry stated:

. . . our commitments under the GATT do not tie our hands too rigidly and regardless of consequences. . . . the exceptions which have been made in favour of the underdeveloped countries are really intended to remove the special handicaps from which these countries suffer¹⁵

During the debate on ratification most members including representatives of the business community supported the revised proposals which were subsequently ratified. The Federation of Indian Chambers of Commerce and Industry also found its criticisms largely met and welcomed the revised Agreement. It has also had the overwhelming support of the general public.

Apart from the fact that the revised Agreement makes important concessions toward underdeveloped countries, there are two reasons for the consensu in favor of India's remaining in GATT. In the first place, it is realized by many that since India has a large and growing stake in international trade, it can ill afford to remain outside GATT. Furthermore, by withdrawing from GATT, India would be giving up of its own volition benefits which competitors in various export commodities might subsequently gain. Secondly, there is a fairly wide recognition of the achievements and usefulness of GATT. GATT has broken new ground in the sphere of international economic co-operation, since it is the first attempt to make a concerted attack on tariff barriers. The utility of GATT as a clearing house for trade complaints is considerable as was demonstrated when the Indian complaint against Pakistan was taken up by GATT in 1952. Airing of grievances and complaints is not confined to grievances against small countries; complaints

¹⁵ Statement in the House of the People 19 Sept. 1955, Government of India, Press Information Bureau, PDM/MNV. 850/19. 9.55/6361, pp. 11-12.

against powerful countries like the United States are also covered. Finally, GATT is a flexible arrangement and has shown the capacity to accommodate itself to peculiar problems of various countries or groups of countries.¹⁶

INTERNATIONAL LABOUR ORGANISATION

The International Labour Organisation which was founded in 1919 became a specialized agency of the United Nations in December, 1946. The objective of the Organisation—ILO—as it is popularly called—is to improve the conditions of labor. It is the one agency where representatives of the government, employers, and employees of member countries jointly participate in the formulation of international policies. The chief function of the annual international labor conference through which the main business of ILO is conducted is to draft minimum international social and labor standards which may take the form of conventions or recommendations. A convention binds the member states to urge formal ratification, while a recommendation merely requires them to call the matter to the attention of the proper authorities for whatever action seems advisable. If the governments ratify the convention, they are required to report annually to ILO the measures taken to implement the convention. To date, ILO has adopted 103 conventions and about 100 recommendations.

In addition to the adoption of conventions and recommendations, ILO also conducts investigations into various labor and economic problems and disseminates information regarding conditions of labor in various countries. This has been a very useful function, as it enables the member governments to draw upon the experiences of other countries while codifying social legislation.

¹⁶ As one example, GATT permitted the countries of the European Coal and Steel Community to make adjustments in their tariffs and also relaxed considerably its "no preference rule" to accommodate Britain and the Commonwealth countries.

The United Nations Expanded Technical Assistance Program extends aid to various underdeveloped countries through ILO in matters connected with labor. Nearly 11 per cent of its budget amounting to \$20 million is directed through ILO. In 1955 there were 300 projects at various stages of completion financed under this program, such as giving advice on training skilled and semi-skilled workers, improvement of industrial relations, labor welfare, and methods of production.

India's Relations with the ILO: India has been a member of ILO since its inception. As one of the countries of chief industrial importance, India has a permanent seat on the Governing Body of ILO. The government of India has been participating actively in ILO, and the Ministry of Labor has established a special Conference Division for this purpose, which also arranges for tripartite conferences and committees in India. India sends tripartite delegations consisting of employers, workers, and government representatives to the annual international labor conferences. Of the nine industrial committees set up by ILO, India is a member of all except the Committee on Petroleum.

Prior to the merger of the princely states with the Indian Union, the presence of such states with divergent economic conditions and under no obligation to ratify the conventions and recommendations of ILO presented the problem of double standards of labor legislation within the same country. Industrial concerns often migrated from British India to the neighboring states where labor laws were less strict.

So far India has adopted 21 conventions. These provide, among other things, for the limitation of the hours of work in industrial undertakings, prohibitions of the employment of women and children under fourteen at night, compensation in cases of injury or death to industrial workers, equality of treatment to all nationals in respect of such compensation, protection of dock laborers against accidents, an efficient system of labor inspection, suppression of compulsory labor in all forms, and machinery to help in fixing minimum wage rates in certain trades.

The structure of ILO has been to some extent instrumental in organizing workers and employers in India. As representation in the ILO conference is open to employers and workers where organizations of employers and workers exist, both groups in India were encouraged to establish such organizations. Furthermore, the tripartite conference of 1942 in India was essentially inspired by the ILO principle of representation for the government, employers, and workers. This conference was followed by a number of others where the interests of the three parties were given due consideration.

India has received technical assistance from ILO in several respects, some of which may be noted here. Two teams of ILO experts were engaged in India in productivity studies in engineering and textile industries. With the assistance of ILO experts, two National Productivity Centres have already been started in Bombay and Baroda with the object of achieving maximum production with minimum resources through the application of improved industrial techniques. Attempts are also under way to establish with ILO help a manpower project, an employment information program, and an occupational classification project.

The Scheme of Training within Industry, which was introduced by the government of India with the help of ILO experts in 1953, is also a novel experiment. The Scheme covers three important programs, viz., job instruction, job relations, and job methods. These training programs are significant in that they will not only assist in the implementation of ILO standards but also provide the government with trained men who can make a contribution to the improvement of labor-management relations in the country.

India's Attitude: Although the government of India has been participating in the activities of ILO since its inception, employers and workers of the country were very critical of the Organisation until recently. The main complaint of both the Indian employers and workers was that ILO was more concerned with the Western countries than the Asian and other underdeveloped countries. Speaking on the report of the Director-General to the 32nd Session

of the International Labour Conference held in 1949, a delegate of the Indian employers said:

The interesting account which he has given in Chapter III of the activities undertaken in connection with the manpower programme—regional arrangements, employment service organisation, vocational training and migration—however, shows that the I.L.O. is at present mainly interested in the European countries and the programme connected with the Marshall Aid Plan. It has, I am sorry to say, not even given a thought to taking any useful action in connection with the resolutions passed at the Regional Asian Conference held under its own auspices.¹⁷

Year after year the Indian employers' delegates have urged ILO to pay more attention to the problems of Asian and underdeveloped countries.

The attitude of the Indian workers' organizations toward ILO is best summarized by the following extracts from the speech of the representative of the Indian National Trade Union Congress at the 31st Session of the International Labour Conference held in San Francisco in 1948:

I do admit that collaboration between Indian workers and the International Labour Organisation was not possible to the desired extent in the past. There were various factors responsible for this. . . . [one of these] was that the International Labour Organisation did not inspire full confidence among Indian workers who believed that the Organisation was principally concerned with the problems of European countries. This belief was strengthened by the constant indifference of the International Labour Organisation to the problems of Asian countries.¹⁸

At the 32nd Session of the International Labour Conference, another workers' delegate complained:

¹⁷ International Labour Conference, *Record of Proceedings*: 32nd Sess., Geneva, 1949 (Geneva: International Labour Office, 1951), p. 113.

¹⁸ International Labour Conference, *Record of Proceedings*: 31st Sess., San Francisco, 1948 (Geneva, International Labour Office, 1950), p. 28.

. . . looking back into its [ILO's] history of three decades, one must admit that the centre of the Organisation has oscillated mainly between Europe and America. The Report [by the Director-General] itself records that the Office's contacts with extra-European countries were in many cases fragile and non-existent. This defect will have to be removed.¹⁹

There has also been a feeling among employers, Indian employers particularly, that ILO has been forging international instruments in the form of conventions and recommendations at such an accelerated pace that it is impossible for the member countries to ratify or implement them. Workers' delegations are all too eager to adopt international instruments and government delegations have a tendency to vote for a convention without examining whether or not it can be implemented in their respective countries. This unrealistic approach to problems has been repeatedly pointed out by employers' delegations from different countries and they have cited copious instances where governments have failed to ratify conventions which government representatives voted for.

As already noted, ILO has so far adopted 103 conventions but the maximum number ratified by any country is 72 by France. India has ratified only 21. As admitted by the government of India itself, it has not been possible for India to ratify many conventions as they relate more to Western and highly industrialized countries. In fact, India has ratified more conventions than any other country in Asia with the exception of Pakistan which has ratified 22. It has therefore been urged that conventions and recommendations should be framed in such a way that underdeveloped countries can ratify them without great difficulty. It has also been urged that more international instruments should take the form of recommendations rather than conventions because a convention cannot be ratified unless the country can make legislative or other provisions for

¹⁹ International Labour Conference, *Record of Proceedings*: 32nd Sess., *op. cit.*, p. 25.

giving effect to all its provisions. However, a country can take action on recommendations in gradual stages according to the circumstances obtaining in that country.

Recently, there has been a marked change in the policy of ILO toward Asian countries. The first step was the Preparatory Asian Regional Conference held in New Delhi in 1947, which made valuable suggestions to raise labor standards in the backward countries of Asia. The Asian Regional Conference held in Ceylon in 1950 explored the possibilities of technical assistance to underdeveloped countries. Since then several other regional conferences have been held in various Asian countries. ILO is thus taking a more active interest in the problems of the Asian countries.

There has also been a shift of emphasis from the legislative to the operational approach in ILO's activities as witnessed by its latest programs of technical assistance in various fields. Through these programs, which take the form of statistical surveys, training within industry, technical training, productivity studies, exchange of experts, etc., it is hoped that ILO will be able to help the various member countries, particularly the Asian and underdeveloped countries, in translating into action a number of conventions that have been adopted during the last three decades. This change in the attitude and functions of ILO has naturally enlisted the wholehearted support and co-operation of employers' and workers' organizations in India.

If an objective appraisal is made, it cannot be denied that ILO conventions and recommendations have been a considerable source of inspiration for labor legislation in India, especially after independence. The Indian Labour Conference and the Standing Labour Committee owe their origin to the ILO Conference and its Governing Body. Although all the conventions adopted by ILO may not be capable of implementation in India, they have nevertheless set a standard toward which conditions of labor should move. As pointed out by the Indian employers' delegate in his speech at the 33rd Session of the International Labour Conference:

. . . judging, at any rate, from my own experience in India, extending over nearly half a century, there is no doubt that the wellbeing of labour has visibly improved in the last few decades; and for a good part of this improvement the I.L.O. can, in my view, justly claim a part of the credit.²⁰

FOOD AND AGRICULTURE ORGANIZATION

The objectives of the Food and Agriculture Organization, better known as FAO, are to raise the "levels of nutrition and standards of living" of the peoples of member governments, to secure "improvements in the efficiency of production and distribution of all food and agricultural products," to better "the condition of rural populations" and thus to contribute "toward an expanding world economy."

The functions of FAO may be divided into three groups. The first relates to the collection, analysis, interpretation, and dissemination of information relating to nutrition, food, and agriculture. The second function deals with the promotion and recommendation of national and international action with respect to research and education relating to nutrition, food, and agriculture; the conservation of natural resources and the adoption of improved methods of agriculture; the adoption of policies for adequate agricultural credit—national and international; and the adoption of international policies in respect of agricultural commodity agreements. The third function relates to technical assistance as might be requested by governments.

In the field of technical assistance the activities of FAO are grouped under (1) its regular program, and (2) the Expanded Technical Assistance Program (ETAP), each financed by a separate budget. The "regular program" which is financed within FAO's annual budget includes sending to member countries experts on

²⁰ International Labour Conference, *Record of Proceedings*: 33rd Sess., Geneva, 1950 (Geneva, International Labour Office, 1952), p. 41.

such matters as nutrition, grain storage, seed exchanges, international exchange of technological information, etc. ETAP, initiated in 1949 by the General Assembly of the United Nations, renders technical assistance to underdeveloped countries through specialized agencies of the United Nations, and FAO receives 29 per cent of the funds actually contributed. The FAO program under ETAP ranges from vast development plans such as the Ganges Kobadule Irrigation, Drainage, Reclamation Scheme in Pakistan to simple practical projects such as the introduction of better agricultural and forestry tools in countries where unsuitable and traditional devices continue to be used. The expenditure of ETAP through FAO in 1952, 1953, and 1954 was U.S.\$4.75 million, \$4.77 million, and \$3.65 million respectively. There are now 58 countries included in the program to which every member nation of FAO has made a contribution.

India's Relations with FAO: India has been actively associated with FAO from its very inception. The first chairman of the Executive Committee of FAO was an Indian who helped substantially in the drafting of the constitution. Many other prominent Indians have also worked on the staff of FAO. The newly elected Director-General of the organization is also an Indian.

In the task of building the Indian farm economy, India has received technical assistance from FAO in several fields, some of which may be briefly noted here. FAO has supplied a team of experts to the Central Tractor Organization and to the Uttar Pradesh State Government in connection with the operation and maintenance of farm machinery, the organization of workshops, and the in-service training of operators, maintenance, and repair men. Expert technical advice has also been given in the reclamation of about two million acres of land in Uttar Pradesh. FAO has a program of veterinary service which at present is concentrated on the control of rinderpest and other diseases by vaccination and improved breeding. FAO has been instrumental in establishing a Sheep and Wool Research Station at Pashulok in Uttar Pradesh.

This is the first of the ten sheep-breeding farms for which plans are completed.

FAO has also initiated work on the eastern and western coasts of South India to improve existing methods of fishing. A number of motor surf landing boats have been built and mechanized fishing has already resulted in increased landings of fish. Two harbor specialists were also sent to India by FAO to advise on the lay-out of fish terminals and small craft havens at various points around the coast.

FAO program in India also includes a number of projects in various fields: dairy, poultry, forestry, locust control, etc. Up to 1954, India received 49 fellowships for specialized training in agriculture, animal husbandry, fisheries, and forestry under ETAP. India participated in a large number of training schemes and also played host to several training schemes which were organized in India.

The total amount obligated for Indian and regional projects, and the number of experts India received during the period 1952 to 1955 are as follows:

Year	Amount in U.S.\$	No. of experts
1952	253,919	64
1953	323,253	34
1954	211,552	23
1955	335,500	37

India's Attitude: The official as well as non-official attitude of India toward FAO has on the whole been sympathetic. India fully appreciates the assistance that FAO has rendered through its various programs. In a message to FAO on the occasion of its tenth anniversary, the Minister of Food and Agriculture expressed India's appreciation for the work done by FAO in the following terms:

In our attempt to rebuild the war-torn farm economy, we acknowledge gratefully the help given by FAO through the

technical co-operation program including the exchange of experts and trainees, organization of seminars and supply of equipment. The results have been promising enough to give satisfaction to the FAO and ourselves.²¹

There is also recognition in India for the useful work the organization has done in the supply of documentation covering various aspects of food and agriculture.

However, India's attitude has by no means been uncritical of the work of FAO, whether generally or in India. Indian official delegates at various international conferences have, from time to time, made critical observations on several aspects of FAO's work. The Indian press and the non-official public have also expressed similar comments. Some of these criticisms are mentioned below.

It is felt that although FAO has been in operation for over ten years, it has not been successful in realizing its aims to any considerable extent. Not much has been done, in other words, to resolve the paradox of poverty amidst plenty.²² More particularly, India feels that compared to the extent of its needs, the assistance thus far rendered by FAO to India can hardly be regarded as substantial. There is a feeling that FAO has a bias in favor of European and Latin American countries, and the continents of Asia and Africa do not receive the consideration they deserve. The Indian delegates have often pointed out that FAO should concentrate on development work in the countries of the East where the fertility

²¹ *The Statesman* (New Delhi), 16 October 1955.

²² The leader of the Indian delegation to the eighth session of the FAO Conference said, "In spite of much splendid thinking, precious little has been done to build even a log-bridge over the gulf which separates the over-abundance and plenty of some countries from the want and poverty of others." FAO Conference, *Proceedings*: 8th Sess., Rome, 1955 (Rome: FAO, 1956), Vol. II, p. 46.

Another Indian government official wrote that the "world is still forced willy-nilly to balance production and consumption through restriction of the former rather than expansion of the latter." This, he went on, is contrary to the ideals of FAO and it is a "sad commentary on human affairs that FAO's efforts have not yet borne fruit." Dr. S. R. Sen, "FAO's Fight is Against a Paradox," *Hitavada*, 15 Oct. 1955.

of the soil has been neglected for ages and intensive farming yet remains to be undertaken.

It has been argued that an atmosphere of unreality and lack of sense of urgency characterize the deliberations of FAO.²³ Various matters are discussed and debated at great lengths from year to year but with little or no practical results. As one Indian delegate remarked, the greatest defect in the working of FAO is that "it discovers a problem, exposes it but fails to find a solution."²⁴

In this connection, FAO's attempts to help distribute surplus agricultural production to the needy nations have come under criticism. The Indian delegation has indicated that these attempts have not borne fruit because the prices were kept at such levels that it was virtually impossible for the underdeveloped countries to benefit from the offers. More generally, the Indian delegation has stressed the need to stabilize world commodity prices by international agreements based on a commodity-by-commodity approach. In its view, there has been no proper co-ordination, and no attempts to solve international commodity problems in a rational and comprehensive manner.²⁵

The existing costly machinery of the administration of technical assistance has also been criticized by the Indian delegation. It has been argued that the overhead expenses of running the administration are greater than is justified by the field activities, and also that since the requests for aid under ETAP far outstrip the funds available, there is a case for economy in the existing machinery.²⁶ The criticism has also been levelled that aid given by FAO is often without any reference to the local requirements. Experts have been sent to a

²³ "Four Years of the FAO," *India Quarterly* (Indian Council of World Affairs), Vol. V, No. 2 (April-June 1949), pp. 163-75.

²⁴ FAO Conference, *Proceedings*: 8th Sess., *op. cit.*, p. 46.

²⁵ See Economic and Social Council (ECOSOC), Official Records: 18th Sess., 811th Mtg., 20 July 1954, p. 141.

²⁶ See ECOSOC, Official Records: 16th Sess., 709th Mtg., 2 July 1953, pp. 33-34. This argument is further spelled out in the following section on United Nations technical assistance.

country although they have no intimate knowledge of the local requirements. To rectify this, the Indian delegation has stressed the need for regional planning and selection of experts from within the region.²⁷ Finally, although the work in respect of collection and compilation of statistics has been generally well done, there has been a tendency to multiply the documents produced beyond the stage of usefulness and issue them at too frequent intervals. The interpretation of these statistics and the advice based thereon have often been too vague, discursive, and academic in character.²⁸

UNITED NATIONS TECHNICAL ASSISTANCE

The United Nations renders technical assistance to member nations through its regular program as well as through the Expanded Technical Assistance Program (ETAP) initiated in 1949 which is administered through the various specialized agencies.²⁹ The work of these agencies is co-ordinated through the Technical Assistance Board, consisting of the executive heads or representatives of the United Nations and the specialized agencies concerned. In addition, there is a Technical Assistance Committee, a political body to which member nations have delegated direct responsibility for reviewing the work of the Board and the international agencies.

India is vitally interested in the technical assistance programs. The contributions pledged by the government of India to ETAP during 1952-1956 are as follows:³⁰

²⁷ It has been said that recruitment of the staff has not always been fair to the Asian countries. It was pressed on the Director-General that the regional representative who would be the head of the regional office should be a person belonging to the region. While this principle was jealously guarded in respect of the regional offices of Europe and the Near East, it was not conceded for Asia and the Far East.

²⁸ "Four Years of the FAO," *India Quarterly*, *op. cit.*, pp. 163-75.

²⁹ The technical assistance programs of ILO and FAO under ETAP have been briefly described in preceding sections.

³⁰ *Eighth Report of the Technical Assistance Board*, ECOSOC, Official Records: 22nd Sess., Supple. No. 5, p. 86.

Year	1952	1953	1954	1955	1956
Amount in U.S.\$	275,000	275,000	300,000	400,000	450,000

In 1955 India received 80 experts and 121 fellowships, and supplied 59 experts.³¹

India recognized the advantages of technical assistance through an international organization, although sentiment in favor of an international rather than bilateral approach is less strong in the case of technical assistance than in the field of external finance. In the first place, an international program enables a country which does not wish to accept assistance from another country owing to political or other reasons to present its request unhesitatingly to the United Nations. A further advantage of an international program is that it "places at the disposal of the countries requiring technical assistance, not the necessarily limited facilities available in any particular country, but a pool of technical knowledge and services to which all countries in the world, including the underdeveloped countries themselves, have contributed their best."³² Another consideration in favor of an international program is that underdeveloped countries while receiving technical assistance can take part in determining the conditions under which such assistance is rendered.

In recent years Indian official delegates have expressed several misgivings in regard to the work under the program. Fears have been expressed that the program may suffer from lack of funds. It has been noted that the resources available in any particular year are not known sufficiently in advance to permit effective planning. This can be rectified by orderly development of the programs, early contribution by member nations, and also by strengthening the reserve fund. Indian delegates have also pointed out that the funds which have been available to India under the

³¹ *Ibid.*, pp. 95-102.

³² P. S. Narasimhan, "Technical Assistance," *India Quarterly*, Vol. VIII, No. 2 (April-June 1952), pp. 154-55.

program have been small in comparison with India's needs and many very important requirements are still left unsatisfied. At the twentieth session of the Technical Assistance Committee, the Indian delegation indicated that there were some doubts as to the efficacy of the program as applied to India and that an opinion was current in the country that the benefits derived were not commensurate with the cost.

The Indian delegation has also strongly criticized the extent of the equipment and supplies made available along with experts. The instruction on this point is that requests for the furnishing of equipment and supplies might be considered insofar as they formed an integral part of the technical assistance program. This instruction may be interpreted as meaning that equipment for demonstration purposes is a legitimate charge against the technical assistance program, but in fact only very limited amounts of equipment have been made available and they have often been inadequate to enable full benefit to be derived from the technical assistance provided.

The Indian delegation to the sixteenth session of the Technical Assistance Committee also strongly criticized the exorbitant administrative costs of the technical assistance program. Administrative costs, it has been said, are out of proportion to the scale of actual operations. The case for administrative economy also arises from the fact that requests for aid under ETAP far outstrip the funds available. There is thus a case for simplifying the existing arrangement under which the Technical Assistance Board reviews all projects and is responsible for distributing part of the technical assistance fund over and above that handled by the Technical Assistance Committee. Furthermore, although India recognizes the useful function of the Resident Representatives in the context of planning at the country level, the expenditure on them constitutes a disproportionately large amount. It has, therefore, been suggested that Resident Representatives should function on a regional basis instead of on a country basis. This would not only effect economies but would give an international approach to the problems of

individual countries and avoid any possibility of personal championing of the case of individual countries by Resident Representatives. In this connection, it has also been suggested that the exact line of demarcation between the responsibilities of the participating agencies and those of the beneficiary governments should be clearly defined, particularly in connection with programs which are planned at the country level.

Conclusions

A careful examination of India's attitude toward the various aspects of the United Nations reveals that the dominating elements in Indian political life—both official and non-official—are in the present world context clearly opposed to the idea of any changes of a fundamental nature in the United Nations Charter. Informed opinion in the country is in general agreement with the views of the political leaders on this matter. For instance, in one of the meetings of the Study Group the chairman raised the question whether it was useful, under the circumstances, to study national attitudes toward the United Nations with the purpose of suggesting basic amendments to the Charter. He was of the opinion that without a considerable reduction of international tension any attempt to amend the Charter in an important manner would not only be unsuccessful but would also intensify prevailing tension. These views received much support from other members

of the Study Group. However, it was generally agreed that it was worth undertaking a study of India's attitude toward the United Nations, in general, and certain provisions of the Charter, in particular, because it was felt that such a study would clearly bring out the specific and definite reasons for India's stand. It was in the spirit of these observations that this study was planned and the preceding chapters dealing with specific issues were written.

It may, however, be added that no one in India rules out the possibility of minor amendments to the Charter—especially where experience has indicated that improved wording will facilitate the smooth working of the Organization. Such amendments can be suggested only after a thorough legal examination of the provisions concerned. They might properly be discussed at a conference to review the Charter, where the views of all delegates could be presented, but it has not been considered appropriate to deal with changes of this kind in this study, which is concerned with the general attitude of India toward the United Nations.

This final chapter is more or less a summing up of the conclusions reached in other chapters, and will indicate the Indian attitude toward other issues which were mentioned but not fully dealt with in the earlier chapters. Through reference to these matters, an attempt will be made to answer the question: "Has the working of the United Nations helped or hindered the realization of the basic aims of India's foreign policy?" The objectives of India's foreign policy, broadly stated, do not clash with the general aims of the United Nations as set forth in the Charter. The two are, indeed, very similar. However, whether India's actions in the international field have come into conflict with the actual activities of the United Nations is another matter and from that angle the above question of the relationship of the United Nations to India's foreign policy can be answered in both negative and positive terms.

As to certain specific aims of India's foreign policy, there is no doubt that on questions concerning dependent territories and

racial discrimination India has very often found the United Nations a useful forum for giving expression to its views. More than once the Indian government has even exerted some pressure in the United Nations and influenced its decisions in favor of the freedom and welfare of dependent peoples: the decisions of the United Nations on Indonesia and the Italian colonies were two such instances. Also, in the field of international responsibility for non-self-governing territories India, with the support of some Arab-Asian and Latin American states, has given a lead in the United Nations. On the question of the status of South-West Africa, India's view that the Union government was under a legal obligation to place the territory under the United Nations trusteeship system was not accepted by the Assembly, but the Assembly's resolutions and the International Court's opinion on this question were acceptable to India insofar as they emphasized the international obligations of South Africa and rejected the Union government's claim that it was entitled to incorporate South-West Africa into its own territory.

However, certain actions of the United Nations General Assembly and other organs on matters relating to dependent territories have thoroughly disappointed India. The most important among these were the Security Council's refusal to consider the Tunisian and Moroccan questions and the General Assembly's unwillingness to adopt strongly worded resolutions on them. The record of the United Nations in the supervision of the administration of, and general matters connected with, the trust territories has also failed to fulfil Indian expectations in regard to United Nations responsibility for these territories.

On the questions of discrimination against the people of Indian origin in South Africa and racial conflicts in the Union territory, India was able to persuade the General Assembly to adopt resolutions which were, to a great extent, to its liking. The fact that these recommendations have been vigorously opposed by South Africa and that the General Assembly has not been able to do

anything other than pass resolutions disappointed many Indians. Some even began to express the opinion that the United Nations was, after all, very ineffective in solving such basic problems as racial discrimination, but these views are not shared by an important section of informed people in the country. In their view the expression of opinion by the majority of the member states and by a United Nations commission in favor of racial equality is in itself a significant achievement. There is nothing India can do unilaterally to end discrimination based on race in South Africa or elsewhere. Only the pressure exercised by the international community can persuade or compel an unwilling South African government to end the discriminatory practices in its territory. The United Nations, on the initiative of India, and with the support of a large number of member states, has taken the first step toward this goal.

The aid extended by the United Nations and its specialized agencies to India in developing its economic resources has been very well received. There have been occasional complaints that the big powers are using the United Nations as an instrument of their national policy even in regard to economic activities. Protests have also been voiced about the inadequacy of the aid given by the international agencies and the qualifications of some of the United Nations representatives to perform the functions allotted to them. In spite of all these criticisms one can say, in general terms, that there is appreciation in the country of the work done by the United Nations in the economic field.

In regard to the United Nations role in matters like race relations, dependent areas, and economic development, the Indian attitude is quite clear even to casual students of recent international events; but there is less understanding of India's attitude toward the role of the United Nations in the maintenance of international peace and security. India's interest in the promotion of international peace is well-known; but how far India will go

along with other members in enforcing collective measures for the maintenance of peace and security is rarely understood. From the utterances of the official spokesmen of the Indian government one can safely conclude that India is not prepared to undertake any commitments in this field other than those already specified in the United Nations Charter. When the specific question arose regarding implementation of the recommendation of the "Uniting for Peace" resolution that members maintain units within their armed forces in a position of readiness for United Nations service, the Indian government avoided assuming any responsibilities, stating that its armed forces were adequate only for the defense of the country. It is significant that India also stated that this was the time for improving the machinery of the United Nations for the tasks of peace rather than of war. In other words, it was feared in India that perfecting the United Nations machinery for the purpose of war might itself lead to a major armed conflict in the world.

The Indian attitude toward the structure of the world organization has also been influenced to a very great extent by this fear of a major war. India's Prime Minister, in many important foreign policy pronouncements, has expressed the view that India will follow an independent foreign policy and will join neither of the two power blocs which have divided the United Nations. India fears that if one of the power blocs dominates the United Nations, the Organization will become an instrument of the national policies of the members of that bloc. The Indian government thinks that the veto provision of the Charter has prevented such a development. This is one of the reasons for India's opposition to all proposals suggesting the abolition or restriction of the veto. It is fully realized that the veto very often makes the United Nations ineffective; but India prefers an ineffective organization, representing all the major political elements in the international community, to an effective organization which may grow into an instrument of one power bloc.

The same considerations have influenced India's attitude on questions connected with the admission of new members to the United Nations and the representation of China. India's aim has been to make the United Nations as broad-based as possible and to make it an organization which will reflect the existing political and military realities of the international situation.

The Indian attitude on domestic and international jurisdiction is also worth noting. As already indicated in earlier chapters, when the questions of Indonesia and racial discrimination in South Africa were discussed, India rejected the pleas of the Netherlands and South Africa that these were purely domestic questions and, therefore, did not fall within the competence of the United Nations. The fact that the majority of the member states also rejected these pleas represents a significant trend toward international responsibility in this field which India has welcomed. But India has also been aware of the hard realities of the international situation. Under the circumstances, world government would mean not international order but control by one big power or group of powers. The people and the government of India have, therefore, naturally been opposed to any proposal designed to convert the United Nations in the near future into some system of world government. India's opposition to the proposals for international ownership of atomic resources and plants stems from this attitude. It is almost certain that India will oppose any substantial amendment to Article 2, para. 7, of the United Nations Charter, which prevents the United Nations from intervening in "matters which are essentially within the domestic jurisdiction of any state."

In the light of this study, the Indian view on some of the main areas of Charter review may be summed up as follows:

Minor Amendments: India may accept some minor amendments to the Charter. For instance, many informed people in India would welcome a provision in the Charter stating that the United Nations "shall enjoy international personality and such legal capacity

in the territory of its members as is necessary for the exercise of its functions and the fulfilment of its purposes." The aim of those who suggested this amendment is to render explicit the advisory opinion given by the International Court in 1949.

Another amendment of a minor nature refers to the appointment of the Secretary-General. It is suggested that the following phrase be added to the second sentence in Article 97: "and, notwithstanding anything to the contrary, a Secretary-General shall hold office until the appointment of a successor." It is hoped that this would prevent any recurrence of the situation which arose after the expiration of Mr. Lie's contract in February 1951. This amendment would be acceptable to India.

The Development of Law: It is doubtful whether India will accept any amendment of a fundamental nature in regard to legal matters. Arbitration, with its judicial element, was not acceptable to India in regard to the Kashmir dispute. Nor is this country very enthusiastic about the establishment of an international criminal court. In general, the Indian attitude is one of caution and of eagerness to safeguard India's sovereignty when it comes to accepting any additional legal obligations in the international field.

Non-self-governing Territories: As noted earlier, India is vitally interested in this question. When the Charter is reviewed, India, with the support of some other member states, will certainly explore the ways and means of further institutionalizing international responsibility for non-self-governing territories. The views of the members of the Study Group on this matter may be considered, to some extent, to be typical of the Indian view. They expressed the opinion that the division of the dependent areas into non-self-governing and trust territories was merely an accident of history; the former are the possessions of the victors of the two world wars and the latter those of the defeated nations. While holding this opinion, however, India realizes that under the existing circumstances it will not be possible to raise the status of the non-self-governing territories to that of the trust territories, but India hopes

to see the establishment of a new international organ for the non-self-governing territories—a council, analogous to some extent to the Trusteeship Council, but with more limited powers. India will welcome such a council taking charge of the non-self-governing territories for the United Nations. An amendment to the Charter to this effect will either be initiated or supported by India at any conference to review the Charter.

Collective Security: In regard to this matter, India, for reasons already given, is opposed to any basic amendments, especially those calling for the abolition of the veto.

Peaceful Settlement: India attaches great importance to the United Nations work in this field, but it also wonders how an improvement of the existing machinery or the introduction of new techniques will help the solution of international problems through peaceful means. The United Nations Charter itself has provided for various methods in this field. In regard to the pacific settlement of disputes, the establishment of good practices rather than rigid rules is suggested by the informed people of this country.

Peaceful Change: India realizes that international organizations must provide not only for the maintenance of order in the world but also for peaceful change. There is no doubt that the *status quo* in the international field will have to be revised through peaceful means to lessen and reduce existing stresses and tensions. The United Nations has been an agency of action for some changes in Indonesia, Palestine, and the former Italian colonies, but it failed to act effectively in regard to Tunisia and Morocco. The rights given to some powers in the territories of other states by certain out-of-date treaties also need revision. How the United Nations can bring about the necessary changes in such cases is a matter which India has not explored in detail. Perhaps, here again, the situation can be improved not by provisions for a new mechanism in the United Nations Charter, but through the attitudes adopted by representatives of the member states in regard to specific issues which come before the United Nations. There is,

however, no doubt that India considers that the United Nations can be a dynamic institution only if it provides for peaceful change in the international field.

To sum up, India wants the United Nations to develop into a true international institution of world-wide prestige: it must be as broad-based as possible and be in a position to influence and help the member states and the peoples of the world in regard to such basic matters as human rights, freedom of dependent peoples, and the development of economically backward areas. At the same time India wants the United Nations, under the present circumstances, to have only limited powers in such important fields as collective enforcement measures and control and ownership of atomic energy. In regard to the most important question, the maintenance of international peace and security, India believes that the responsibilities and functions of the United Nations will be better exercised and performed through concentration on the pacific settlement of disputes rather than on any other methods, for it is feared that emphasis on the military functions of the United Nations will tend to disrupt rather than strengthen the Organization.

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